

Eugene B. Elliot, State Bar No. 111475
 Ethan M. Lowry, State Bar No. 278831
 Benjamin I. Oreper, State Bar No. 329480
 BERTRAND, FOX, ELLIOT, OSMAN & WENZEL
 2749 Hyde Street
 San Francisco, California 94109
 Telephone: (415) 353-0999
 Facsimile: (415) 353-0990
 Email: eelliot@bfesf.com
elowry@bfesf.com
boreper@bfesf.com

Attorneys for Defendants
 OAKLAND UNIFIED SCHOOL DISTRICT,
 VANESSA SIFUENTES, and JAROD SCOTT

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

CLEVELAND MCKINNEY

Plaintiff,

v.

OAKLAND UNIFIED SCHOOL DISTRICT,
 VANESSA SIFUENTES, JAROD SCOTT, and
 DOES 1 through 10, inclusive,

Defendants.

Case No. 3:20-cv-06792-JSC

**DECLARATION OF BENJAMIN I. OREPER IN
 SUPPORT OF DEFENDANTS' MOTION FOR
 SUMMARY JUDGMENT OR, IN THE
 ALTERNATIVE, PARTIAL SUMMARY
 JUDGMENT
 [FRCP RULE 56]**

Date: June 9, 2022
 Time: 9:00 am
 Dept: Courtroom 8—19th Floor

Hon. Jacqueline Scott Corley

I, Benjamin I. Oreper, declare:

I am an attorney at law duly licensed to practice law before the courts in the State of California, and I am an associate with the law firm of Bertrand, Fox, Elliot, Osman & Wenzel, attorneys of record for defendants OAKLAND UNIFIED SCHOOL DISTRICT (the "DISTRICT"), VANESSA SIFUENTES, and JAROD SCOTT in the above-captioned matter. As such, I have personal knowledge of the facts and circumstances surrounding this matter and could, if called, competently testify thereto.

1. Attached hereto as **Exhibit A** is a true and correct copy of the relevant portions of the

1 deposition transcript of plaintiff CLEVELAND MCKINNEY.

2 2. Attached hereto as **Exhibit B** is a true and correct copy of the relevant portions of the
3 deposition transcript of defendant VANESSA SIFUENTES.

4 3. Attached hereto as **Exhibit C** is a true and correct copy of the relevant portions of the
5 deposition transcript of defendant JAROD SCOTT.

6 4. Attached hereto as **Exhibit H** is a true and correct copy of Exhibit 63 to the deposition
7 transcript of defendant VANESSA SIFUENTES.

8 5. Attached hereto as **Exhibit I** is a true and correct copy of Plaintiff's Response to the
9 DISTRICT's Interrogatory No. 7.

10
11 I declare under penalty of perjury under the laws of the State of California that the foregoing is
12 true and correct, and that this declaration was executed on the 28th day of April, 2022, at San Francisco,
13 California.

14 /s/ Benjamin Oreper
15 Benjamin I. Oreper
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EXHIBIT A

EXHIBIT A

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3 ---oOo---

4 CLEVELAND MCKINNEY,
5 Plaintiff,

6 vs. CASE No. 3:20-cv-06792-JSC

7 OAKLAND UNIFIED SCHOOL VOLUME I
8 DISTRICT; VANESSA
9 SIFUENTES; JAROD SCOTT; PAGES 1 - 242
and DOES 1 through 10,
10 Defendants.

11 _____/

12
13 REMOTE VIDEOCONFERENCE VIDEOTAPED DEPOSITION OF
14 CLEVELAND MCKINNEY

15 _____
16 SEPTEMBER 22, 2021

17
18 NOTICING ATTORNEY: ETHAN M. LOWRY, ESQ.

19
20
21 REPORTED BY: CARI GONZAGA, CSR No. 12401

22
23 WEST COAST REPORTERS
24 117 Paul Drive, Suite A
San Rafael, California 94903
(415) 472-2361 * (800) 979-2361
25 Fax (415) 472-2371

10:12:26	1	Q. <u>Okay. And so you were offered the job of</u>
10:12:31	2	<u>assistant principal at McClymonds and accepted that?</u>
10:12:36	3	A. <u>Correct.</u>
10:12:36	4	Q. Okay. So then in your teaching career, am I
10:12:40	5	correct that Hayward Unified School District is the only
10:12:45	6	school district, apart from Oakland Unified School
10:12:48	7	District, that you've worked for?
10:12:50	8	A. No. When I first started teaching before
10:12:55	9	Oakland, I substituted for a year in the Oakland --
10:13:00	10	Diocese of Oakland. I was at a school called
10:13:10	11	St. Cornelius, so I was the, I guess, what you call the
10:13:21	12	sub every day on campus, if that makes sense.
10:13:27	13	Q. I believe so. So you were the substitute
10:13:30	14	teacher. You were there every day and would substitute
10:13:33	15	as-needed?
10:13:35	16	A. Correct.
10:13:35	17	Q. Okay. And that was before you ever began
10:13:39	18	working as a full-time teacher?
10:13:41	19	A. Well, that was full-time. It was a full-time
10:13:44	20	job.
10:13:45	21	Q. Right. So that was before you began working
10:13:48	22	at Cox Elementary in Oakland?
10:13:51	23	A. Correct, correct.
10:13:53	24	Q. Okay. And then, so, apart from that
10:13:56	25	employment at Hayward Unified, is Oakland Unified School

10:35:13	1	MS. MEHTA: See, I can't do this.
10:35:13	2	My tech person is coming back, but I can
10:35:17	3	promise you that I have --
10:35:31	4	MR. LOWRY: Did we lose both of them?
10:35:36	5	THE VIDEOGRAPHER: Going off the record at
10:35:37	6	10:35.
10:35:38	7	(Recess taken.)
10:38:32	8	THE VIDEOGRAPHER: We are back on record at
10:38:34	9	10:38 a.m.
10:39:12	10	MR. LOWRY: Cari, can you read back my last
10:39:12	11	question, please.
10:39:12	12	(Record read.)
10:39:13	13	MR. LOWRY: Thank you, Cari.
10:39:13	14	Q. <u>So, Mr. McKinney, you said that you believe you</u>
10:39:17	15	<u>were discriminated against because you didn't agree with</u>
10:39:19	16	<u>decisions being made by upper management at Oakland</u>
10:39:22	17	<u>Unified; is that correct?</u>
10:39:27	18	A. <u>Correct.</u>
10:39:28	19	Q. <u>Okay. What were those decisions that you</u>
10:39:31	20	<u>disagreed with?</u>
10:39:34	21	A. <u>Just daily decision making.</u>
10:39:40	22	Q. <u>Okay. Anything in particular?</u>
10:39:47	23	A. <u>In particular, obviously, we would be talking</u>
10:39:50	24	<u>about, No. 1, would be the water.</u>
10:39:57	25	Q. <u>And that's the water at McClymonds?</u>

10:40:01	1	A. <u>Correct.</u>
10:40:01	2	Q. <u>Anything else?</u>
10:40:07	3	A. <u>Yes, and so I would say there's a -- yes, the</u>
10:40:13	4	<u>daily decision making.</u>
10:40:16	5	Q. <u>Anything in particular about the daily</u>
10:40:19	6	<u>decision making that you disagreed with?</u>
10:40:24	7	A. <u>Just how things were handled or not handled.</u>
10:40:32	8	Q. <u>Okay. Anything specific in your mind as far</u>
10:40:36	9	<u>as that goes?</u>
10:40:40	10	A. <u>Not necessarily discrimination to answer your</u>
10:40:44	11	<u>question, not in this case. That's not my proponent, so</u>
10:40:51	12	<u>to speak, discrimination other than the water or the</u>
10:40:58	13	<u>things that I have claimed in my -- that I've claimed so</u>
10:41:04	14	<u>far.</u>
10:41:06	15	Q. <u>So it's my understanding that you're bringing</u>
10:41:11	16	<u>this lawsuit because you believe that you disagreed with</u>
10:41:15	17	<u>the decision making going on at the District; is that</u>
10:41:19	18	<u>correct?</u>
10:41:21	19	A. <u>I'm bringing my lawsuit based upon what I have</u>
10:41:25	20	<u>claimed and stated that I've already declared or stated</u>
10:41:29	21	<u>in the paperwork that we talked about earlier today.</u>
10:41:34	22	Q. <u>Are you referring to anything in particular?</u>
10:41:37	23	A. <u>All of the paperwork that I or my attorneys</u>
10:41:40	24	<u>have filed on my behalf.</u>
10:41:42	25	Q. <u>Okay. So that would be your complaint in this</u>

<u>10:41:46</u>	<u>1</u>	<u>matter, your legal complaint?</u>
<u>10:41:51</u>	<u>2</u>	<u>A. Correct.</u>
<u>10:41:52</u>	<u>3</u>	<u>O. Okay.</u>
<u>10:41:54</u>	<u>4</u>	<u>MS. MEHTA: I don't know if we covered this,</u>
<u>10:41:56</u>	<u>5</u>	<u>but you have to say "yes" or "no" because they can't</u>
<u>10:41:59</u>	<u>6</u>	<u>take down head nods. Okay.</u>
<u>10:42:01</u>	<u>7</u>	<u>THE WITNESS: Gotcha. Yes.</u>
<u>10:42:02</u>	<u>8</u>	<u>BY MR. LOWRY:</u>
<u>10:42:03</u>	<u>9</u>	<u>O. And so what -- so as far as the decision</u>
<u>10:42:09</u>	<u>10</u>	<u>making goes, you believe that there was -- you disagreed</u>
<u>10:42:14</u>	<u>11</u>	<u>with the water situation at McClymonds, correct?</u>
<u>10:42:19</u>	<u>12</u>	<u>A. Correct.</u>
<u>10:42:19</u>	<u>13</u>	<u>O. Okay. Any other particulars as far as</u>
<u>10:42:22</u>	<u>14</u>	<u>decision making that you disagreed with?</u>
<u>10:42:26</u>	<u>15</u>	<u>A. Yes, there's a lot. Whatever is in my</u>
<u>10:42:30</u>	<u>16</u>	<u>Complaint if you're asking if, I guess, I could probably</u>
<u>10:42:33</u>	<u>17</u>	<u>answer your question even more specific. It just seems</u>
<u>10:42:36</u>	<u>18</u>	<u>kind of vague.</u>
<u>10:42:37</u>	<u>19</u>	<u>There's a lot of information that I've claimed</u>
<u>10:42:40</u>	<u>20</u>	<u>in my -- that I am claiming, so if you would -- if</u>
<u>10:42:47</u>	<u>21</u>	<u>you're asking something specific, I could probably give</u>
<u>10:42:50</u>	<u>22</u>	<u>you a better answer. Obviously, the water is one of the</u>
<u>10:42:55</u>	<u>23</u>	<u>major things.</u>
<u>10:42:59</u>	<u>24</u>	<u>O. So, yeah, I've read your Complaint, and I've</u>
<u>10:43:03</u>	<u>25</u>	<u>seen your Discovery responses. There is a lot in there,</u>

<u>10:43:06</u>	<u>1</u>	<u>and my question for you is, as you sit here today,</u>
<u>10:43:09</u>	<u>2</u>	<u>without looking at any of those documents, are there any</u>
<u>10:43:17</u>	<u>3</u>	<u>particulars that you remember disagreeing with the</u>
<u>10:43:20</u>	<u>4</u>	<u>decision making on apart from the water?</u>
<u>10:43:24</u>	<u>5</u>	<u>A. Yes, the way -- the way that -- well, the</u>
<u>10:43:28</u>	<u>6</u>	<u>decision making, like I said, on a daily basis, the way</u>
<u>10:43:31</u>	<u>7</u>	<u>that things were handled. I mean, I have a lot of --</u>
<u>10:43:33</u>	<u>8</u>	<u>there's a lot of -- I believe it's like numbered and</u>
<u>10:43:36</u>	<u>9</u>	<u>there's A through -- it's alphabetically sequenced.</u>
<u>10:43:42</u>	<u>10</u>	<u>So all of those different things that are</u>
<u>10:43:45</u>	<u>11</u>	<u>claiming. I don't have it in front me, so I can't</u>
<u>10:43:49</u>	<u>12</u>	<u>specifically say, speak to one matter or the other. If</u>
<u>10:43:53</u>	<u>13</u>	<u>you're asking me specifically, I can speak to that</u>
<u>10:43:56</u>	<u>14</u>	<u>matter.</u>
<u>10:43:58</u>	<u>15</u>	<u>Q. So it's your response that without looking at</u>
<u>10:44:01</u>	<u>16</u>	<u>the Complaint, you can't recall any specific issues that</u>
<u>10:44:05</u>	<u>17</u>	<u>you disagreed with apart from the water?</u>
<u>10:44:09</u>	<u>18</u>	<u>A. I can recall. I just don't know what specific</u>
<u>10:44:12</u>	<u>19</u>	<u>issues you're asking. It just seems vague to me. Your</u>
<u>10:44:14</u>	<u>20</u>	<u>question is vague.</u>
<u>10:44:15</u>	<u>21</u>	<u>Q. Well, I'm just asking you to tell me what --</u>
<u>10:44:22</u>	<u>22</u>	<u>any particular incident or issue that you recall</u>
<u>10:44:26</u>	<u>23</u>	<u>disagreeing with upper management on?</u>
<u>10:44:29</u>	<u>24</u>	<u>A. Which particular incident are you asking</u>
<u>10:44:31</u>	<u>25</u>	<u>about?</u>

10:44:32 1 Q. That's what I'm asking you, is what particular
 10:44:36 2 incidents -- incident or incidents do you recall
 10:44:42 3 disagreeing with upper management, and as you sit here
 10:44:45 4 now, you believe resulted in you being fired?

10:44:51 5 A. Well, there are several. I don't remember, at
 10:44:54 6 my memory, without looking at all of them that are on
 10:44:56 7 paper. So if I had the paper, I could go down and
 10:45:01 8 explain every one exactly, what happened in every
 10:45:05 9 situation.

10:45:05 10 So if you're asking me, just vaguely, to
 10:45:08 11 remember, there are, I don't know, maybe like 20
 10:45:09 12 different complaints or how many. I may say like five
 10:45:12 13 that have popped up in my mind, omit the other 15.
 10:45:15 14 Doesn't mean that they didn't happen, but that's why I'm
 10:45:20 15 asking you to ask me something specific, and then I can
 10:45:22 16 answer that specifically for you.

10:45:25 17 Q. I'm asking you to just specify which, if any,
 10:45:29 18 you can recall at this time?

10:45:31 19 A. I can recall one off the top -- I can recall
 10:45:34 20 about the open evaluation that was done of myself and
 10:45:45 21 the other former assistant principal by Vanessa, Jarod
 10:45:55 22 and McCune (phonetic).

10:46:07 23 THE COURT REPORTER: Are those three separate
 10:46:07 24 people, or was it Vanessa Jarod?

10:46:07 25 THE WITNESS: Those are three separate people.

<u>10:46:07</u>	<u>1</u>	<u>THE COURT REPORTER: Okay. So Vanessa, Jarod</u>
<u>10:46:07</u>	<u>2</u>	<u>and McCune?</u>
<u>10:46:09</u>	<u>3</u>	<u>MS. MEHTA: Uh, I'm sorry, but we need to take</u>
<u>10:46:10</u>	<u>4</u>	<u>a short break. We'll just be two minutes.</u>
<u>10:46:14</u>	<u>5</u>	<u>MR. LOWRY: Sure.</u>
<u>10:46:16</u>	<u>6</u>	<u>THE VIDEOGRAPHER: Going off the record at</u>
<u>10:46:16</u>	<u>7</u>	<u>10:46 a.m.</u>
<u>10:46:19</u>	<u>8</u>	<u>(Recess taken.)</u>
<u>10:48:23</u>	<u>9</u>	<u>THE VIDEOGRAPHER: Back on record at</u>
<u>10:48:23</u>	<u>10</u>	<u>10:48 a.m.</u>
<u>10:48:26</u>	<u>11</u>	<u>BY MR. LOWRY:</u>
<u>10:48:26</u>	<u>12</u>	<u>Q. All right. So, Mr. McKinney, so apart from</u>
<u>10:48:30</u>	<u>13</u>	<u>the open evaluation that you recall, are there any other</u>
<u>10:48:36</u>	<u>14</u>	<u>decisions by upper management that, as you sit here now,</u>
<u>10:48:40</u>	<u>15</u>	<u>you can recall that you disagreed with?</u>
<u>10:48:43</u>	<u>16</u>	<u>A. Yes, decision making about discipline for</u>
<u>10:48:55</u>	<u>17</u>	<u>students, decision making about how facilities were</u>
<u>10:49:04</u>	<u>18</u>	<u>being handled or taken care of, in regards to whether</u>
<u>10:49:12</u>	<u>19</u>	<u>that was in regards to the water, the mice infestation,</u>
<u>10:49:19</u>	<u>20</u>	<u>the roaches, the climate in the building hot and cold,</u>
<u>10:49:39</u>	<u>21</u>	<u>teaching practices, hiring practices, spending</u>
<u>10:49:44</u>	<u>22</u>	<u>practices.</u>
<u>10:49:57</u>	<u>23</u>	<u>So I think that covers a majority of the</u>
<u>10:50:08</u>	<u>24</u>	<u>day-to-day things that will probably fall under.</u>
<u>10:50:13</u>	<u>25</u>	<u>Personnel; obviously, evaluations or the lack thereof,</u>

<u>10:50:24</u>	<u>1</u>	<u>due process for students, myself and others.</u>
<u>10:50:53</u>	<u>2</u>	<u>Q. Anything else?</u>
<u>10:50:55</u>	<u>3</u>	<u>A. That's all I can recall at this time.</u>
<u>10:50:57</u>	<u>4</u>	<u>Q. Okay. Now, before we took that break, you</u>
<u>10:51:00</u>	<u>5</u>	<u>couldn't recall those other items.</u>
<u>10:51:04</u>	<u>6</u>	<u>Did you review anything, any documents, during</u>
<u>10:51:06</u>	<u>7</u>	<u>that last break?</u>
<u>10:51:08</u>	<u>8</u>	<u>A. No, I just didn't understand your question --</u>
<u>10:51:12</u>	<u>9</u>	<u>your line of questioning. It just seemed a bit vague to</u>
<u>10:51:18</u>	<u>10</u>	<u>me.</u>
<u>10:51:18</u>	<u>11</u>	<u>Q. Okay. Did you -- did your attorney provide</u>
<u>10:51:24</u>	<u>12</u>	<u>you with answers?</u>
<u>10:51:25</u>	<u>13</u>	<u>A. No. Like I said, your line of questioning was</u>
<u>10:51:28</u>	<u>14</u>	<u>just really vague. There's so much that I've claimed</u>
<u>10:51:34</u>	<u>15</u>	<u>and have evidence for that has gone on. I thought that</u>
<u>10:51:40</u>	<u>16</u>	<u>you were asking something specific.</u>
<u>10:51:45</u>	<u>17</u>	<u>Q. Okay. Now, do you believe that you were fired</u>
<u>10:52:09</u>	<u>18</u>	<u>or let go from the district for any reason besides these</u>
<u>10:52:14</u>	<u>19</u>	<u>disagreements that you had with upper management?</u>
<u>10:52:19</u>	<u>20</u>	<u>A. Do I believe that I was released because of</u>
<u>10:52:23</u>	<u>21</u>	<u>all of the things that I just stated? Yes.</u>
<u>10:52:26</u>	<u>22</u>	<u>Q. I'm asking if apart from those types of</u>
<u>10:52:31</u>	<u>23</u>	<u>disagreements that you've already listed, if there's</u>
<u>10:52:36</u>	<u>24</u>	<u>anything else that you believe was the reason that you</u>
<u>10:52:39</u>	<u>25</u>	<u>were released?</u>

10:52:45	1	A. <u>Well, yeah, I believe that -- I mean,</u>
10:52:48	2	<u>obviously, I'm the whistleblower for the water and</u>
10:52:52	3	<u>different things that occur on a daily basis at their</u>
10:52:57	4	<u>school and with the district, and my involvement in the</u>
10:53:01	5	<u>school and relationships with students, parents and</u>
10:53:07	6	<u>community is a problem for them because a lot of times</u>
10:53:11	7	<u>they don't reveal the truth or the best decision making</u>
10:53:15	8	<u>for the students, parents or the community.</u>
10:53:20	9	Q. <u>Okay. And so apart from being a whistleblower</u>
10:53:24	10	<u>on these topics, you're disagreeing with management on</u>
10:53:27	11	<u>these issues.</u>
10:53:29	12	<u>I'm just asking, is there any other ground you</u>
10:53:32	13	<u>believe you were terminated or released for?</u>
10:53:47	14	A. <u>I believe that that would probably cover it at</u>
10:53:55	15	<u>this time. Like I said, there's so much to unpack in</u>
10:54:00	16	<u>this case, that once we start speaking specifically</u>
10:54:07	17	<u>about different things, I will absolutely be able to</u>
10:54:14	18	<u>recall specifically or I can speak specifically to</u>
10:54:26	19	<u>instances.</u>
10:54:27	20	Q. <u>Sure. Okay. Thank you, Mr. McKinney. I just</u>
10:54:29	21	<u>want to make sure -- like you said, there's a lot to</u>
10:54:30	22	<u>unpack, so I just want to make sure we're on the right</u>
10:54:31	23	<u>suitcase before we get started.</u>
10:54:34	24	A. <u>Sounds good.</u>
10:54:38	25	Q. <u>So going back to when you began at Oakland</u>

<u>10:54:41</u>	<u>1</u>	<u>Unified -- not when you began it, but when you came back</u>
<u>10:54:46</u>	<u>2</u>	<u>to Oakland Unified after Hayward, you were assistant</u>
<u>10:54:50</u>	<u>3</u>	<u>principal at McClymonds, correct?</u>
<u>10:54:53</u>	<u>4</u>	<u>A. Correct.</u>
<u>10:54:54</u>	<u>5</u>	<u>Q. And my understanding is that at some point you</u>
<u>10:54:57</u>	<u>6</u>	<u>left McClymonds?</u>
<u>10:54:59</u>	<u>7</u>	<u>A. Yes.</u>
<u>10:55:01</u>	<u>8</u>	<u>Q. Do you remember how long you were at</u>
<u>10:55:03</u>	<u>9</u>	<u>McClymonds before you left McClymonds?</u>
<u>10:55:09</u>	<u>10</u>	<u>A. I want to say maybe two, maybe three years. I</u>
<u>10:55:13</u>	<u>11</u>	<u>know I left -- I believe I left at the beginning of my</u>
<u>10:55:18</u>	<u>12</u>	<u>third year, maybe.</u>
<u>10:55:21</u>	<u>13</u>	<u>Q. And where did you go to?</u>
<u>10:55:25</u>	<u>14</u>	<u>A. I was transferred to -- the name of the</u>
<u>10:55:37</u>	<u>15</u>	<u>school, I can't recall the name of the school, but it</u>
<u>10:55:37</u>	<u>16</u>	<u>was in East Oakland. It's by Sobrante Park is the</u>
<u>10:55:51</u>	<u>17</u>	<u>location, but I can't recall the name of the school at</u>
<u>10:55:54</u>	<u>18</u>	<u>this time. The principal was Dr. Lucinda Taylor.</u>
<u>10:55:59</u>	<u>19</u>	<u>Q. I'm sorry, Dr. What Taylor?</u>
<u>10:56:02</u>	<u>20</u>	<u>A. Lucinda.</u>
<u>10:56:04</u>	<u>21</u>	<u>Q. Okay. Was that a voluntary transfer?</u>
<u>10:56:10</u>	<u>22</u>	<u>A. It was presented to me as voluntary, yes.</u>
<u>10:56:13</u>	<u>23</u>	<u>Q. How do you mean?</u>
<u>10:56:15</u>	<u>24</u>	<u>A. Well, I was called one morning by Kevin Taylor</u>
<u>10:56:19</u>	<u>25</u>	<u>to meet him at a coffee shop, and he put forth the</u>

<u>10:56:29</u>	<u>1</u>	<u>notion of -- that the district needed me to go to this</u>
<u>10:56:36</u>	<u>2</u>	<u>school to help out, to help close gaps at that school.</u>
<u>10:56:42</u>	<u>3</u>	<u>They needed help because my -- I did have expertise in K</u>
<u>10:56:48</u>	<u>4</u>	<u>through 8. It was actually a two-campus school</u>
<u>10:56:52</u>	<u>5</u>	<u>situation where the lower campuses on the -- the younger</u>
<u>10:56:57</u>	<u>6</u>	<u>kids on the lower campus, K through 5, maybe, and the</u>
<u>10:57:01</u>	<u>7</u>	<u>upper campus was 6 through -- at the time I believe it</u>
<u>10:57:05</u>	<u>8</u>	<u>was 6 through 10 or 6 through 11. They were a growing</u>
<u>10:57:10</u>	<u>9</u>	<u>high school, but they were -- there was a middle school</u>
<u>10:57:15</u>	<u>10</u>	<u>that was there, but they were growing into a high</u>
<u>10:57:18</u>	<u>11</u>	<u>school.</u>
<u>10:57:18</u>	<u>12</u>	<u>Like I said, it was presented to me that they</u>
<u>10:57:20</u>	<u>13</u>	<u>needed additional help at that school, and the -- he and</u>
<u>10:57:28</u>	<u>14</u>	<u>the superintendent would appreciate if I would help</u>
<u>10:57:36</u>	<u>15</u>	<u>fill that void.</u>
<u>10:57:44</u>	<u>16</u>	<u>Q. Prior to that when you were working as the AP</u>
<u>10:57:48</u>	<u>17</u>	<u>at McClymonds, had you received any writeups for your</u>
<u>10:57:53</u>	<u>18</u>	<u>performance?</u>
<u>10:57:54</u>	<u>19</u>	<u>A. Not that I can recall.</u>
<u>10:57:56</u>	<u>20</u>	<u>Q. And had the principal ever expressed to you</u>
<u>10:58:01</u>	<u>21</u>	<u>any concerns about your performance?</u>
<u>10:58:03</u>	<u>22</u>	<u>A. Not that I can recall.</u>
<u>10:58:05</u>	<u>23</u>	<u>Q. And that was -- was the principal</u>
<u>10:58:07</u>	<u>24</u>	<u>Ms. Hamberlin the entire time were at McClymonds on that</u>
<u>10:58:12</u>	<u>25</u>	<u>first stint?</u>

10:58:13	1	A. <u>Yes.</u>
10:58:14	2	Q. Do you know if you were the subject of any
10:58:17	3	grievances at McClymonds during that first stint?
10:58:22	4	A. I could have been. Like I said earlier, that
10:58:26	5	could have had happened on a daily basis.
10:58:28	6	Q. And that's because people disagree with
10:58:31	7	administrators?
10:58:33	8	A. Correct. Correct.
10:58:39	9	Q. Now, so what was your position that you
10:58:44	10	transferred to at this other school?
10:58:53	11	A. It was site administrator. I believe that was
10:58:56	12	the title.
10:58:58	13	Q. Okay. Do you know what that -- is that the
10:59:03	14	equivalent to an assistant principal?
10:59:05	15	A. Yes, it was -- yes, correct. Same authority,
10:59:13	16	same everything as -- because I believe, the way they
10:59:17	17	stated it to me, was that there was already an assistant
10:59:22	18	principal there and how they were -- they had to pay for
10:59:25	19	it in the budget and so forth.
10:59:28	20	So, yeah, my understanding is that it was
10:59:31	21	equivalent.
10:59:32	22	Q. Okay. When you were -- during this first
10:59:37	23	stint at McClymonds, were you the only assistant
10:59:41	24	principal?
10:59:42	25	A. Yes, yes.

11:07:52	1	sign additional funding contracts, a program for me to
11:07:56	2	do once I came back to McClymonds. I forget his name.
11:08:02	3	He was only there for one year, and I was in contact
11:08:06	4	with him frequently as well. So I believe he ran the
11:08:11	5	day-to-day operations, but I think Ms. Hamberlin was
11:08:15	6	like a director or overseer because I think she had some
11:08:20	7	medical issues.
11:08:21	8	<u>So upon returning when school actually</u>
11:08:27	9	<u>started, I was an assistant principal with another</u>
11:08:35	10	<u>gentleman named Keno Carson, and then we had two</u>
11:08:39	11	<u>co-principals. One was Jarod Scott. The other was</u>
11:08:43	12	<u>McCune who was the wife of the super' -- one of the</u>
11:08:50	13	<u>assistant superintendents.</u>
11:08:55	14	Q. <u>So the other assistant principal was Keno?</u>
11:08:59	15	A. <u>Correct.</u>
11:09:01	16	Q. <u>And there was a wife of a superintendent?</u>
11:09:03	17	A. <u>Correct, she was the co-principal.</u>
11:09:06	18	Q. <u>And who is that?</u>
11:09:08	19	A. <u>McCune. I forget her first name.</u>
11:09:18	20	Q. <u>LaShaun?</u>
11:09:19	21	A. <u>LaShaun. Thank you. And her husband was the</u>
11:09:23	22	<u>superintendent.</u>
11:09:25	23	Q. Okay.
11:09:28	24	A. One of them.
11:09:34	25	Q. So the -- that was the second year that you

11:09:40	1	were back at McClymonds when --
11:09:43	2	A. That was the second term I was back at
11:09:46	3	McClymonds.
11:09:47	4	Q. Okay. So for you, a term, is that the same as
11:09:49	5	a semester?
11:09:50	6	A. No, you said when I had come back to
11:09:53	7	McClymonds?
11:09:54	8	Q. Um-hum.
11:09:56	9	A. When I was away for the year, so that's what
11:09:58	10	I'm referring to.
11:10:00	11	Q. <u>Okay. So when you came back, Mr. Scott and</u>
<u>11:10:03</u>	<u>12</u>	<u>Ms. McCune were the principals?</u>
<u>11:10:08</u>	<u>13</u>	<u>A. Yeah, they were the newly minted hired</u>
<u>11:10:12</u>	<u>14</u>	<u>principals. They were co-principals.</u>
11:10:17	15	Q. I'm sorry, what's Keno's last name?
11:10:22	16	A. Carson.
11:10:23	17	Q. C-A-R-S-O-N?
11:10:25	18	A. Correct.
11:10:26	19	Q. Okay. And he was the other assistant
11:10:28	20	principal?
11:10:29	21	A. Correct.
11:10:30	22	Q. Okay. And there were no other assistant
11:10:36	23	principals?
11:10:37	24	A. No, just he and I.
11:10:39	25	Q. Okay. And so you, Mr. Scott, Ms. McCune and

11:10:42	1	Mr. Carson were the --
11:10:45	2	A. Administrators.
11:10:46	3	Q. Okay. Were there any other administrators
11:10:49	4	when you came back?
11:10:50	5	A. No.
11:10:54	6	Q. <u>And so who was your direct supervisor when you</u>
<u>11:11:03</u>	<u>7</u>	<u>came back?</u>
<u>11:11:05</u>	<u>8</u>	A. <u>It was LaShaun. It was kind of like it got</u>
<u>11:11:09</u>	<u>9</u>	<u>split up. So, generally, what happens with</u>
<u>11:11:13</u>	<u>10</u>	<u>administrators is you split the duties, you split up the</u>
<u>11:11:22</u>	<u>11</u>	<u>duties, you assign the duties, so I believe this is the</u>
<u>11:11:26</u>	<u>12</u>	<u>first time McClymonds ever had four administrators, and</u>
<u>11:11:33</u>	<u>13</u>	<u>so we split up the duties in fours, but I reported</u>
<u>11:11:41</u>	<u>14</u>	<u>directly to LaShaun McCune, and Keno reported to Jarod</u>
<u>11:11:48</u>	<u>15</u>	<u>Scott.</u>
11:11:54	16	Q. <u>Okay. And what were your duties as assistant</u>
<u>11:12:06</u>	<u>17</u>	<u>principal when you returned to McClymonds?</u>
<u>11:12:12</u>	<u>18</u>	A. <u>It was overseer of discipline, day-to-day</u>
<u>11:12:20</u>	<u>19</u>	<u>operations, facilities, athletics.</u>
<u>11:12:34</u>	<u>20</u>	<u>Those are the major ones. There are a few</u>
<u>11:12:38</u>	<u>21</u>	<u>others I may have missed, but those are the major ones.</u>
11:12:44	22	Q. When you say you were overseer of discipline,
11:12:46	23	is that student discipline?
11:12:50	24	A. Correct.
11:12:51	25	Q. Okay. Any particular grades or --

11:12:57	1	A. It would --
11:13:00	2	MS. MEHTA: Let him finish the question.
11:13:02	3	Also, the court reporter needs to take it down.
11:13:06	4	Mr. Lowry, would you mind repeating that?
11:13:09	5	MR. LOWRY: Sure.
11:13:09	6	Q. Were you overseer of discipline as to specific
11:13:12	7	grades or just all students at the school?
11:13:16	8	A. All students. However, there was a suggested
11:13:31	9	for a grade level that Keno and I both dealt with.
11:13:35	10	So, for instance, Keno makes -- I think we
11:13:36	11	split it. Keno does 9th -- I don't know if it was 9th
11:13:37	12	and 11th or 9th and 10th, and I dealt with -- he had
11:13:42	13	two, I had two, but we still had the authority to
11:13:50	14	discipline any student in the school no matter what
11:13:55	15	grade level they were.
11:13:57	16	Q. So you and Mr. Carson were nominally
11:14:03	17	responsible for certain grades but had authority to
11:14:05	18	discipline all students?
11:14:08	19	A. Correct.
11:14:09	20	Q. Did you -- were you involved in -- or were you
11:14:15	21	responsible for teachers in any way?
11:14:19	22	A. Yes.
11:14:20	23	Q. <u>What were your responsibilities relating to</u>
<u>11:14:24</u>	<u>24</u>	<u>teachers?</u>
<u>11:14:25</u>	<u>25</u>	<u>A. To over- -- as their supervisor to over- -- or</u>

<u>11:14:33</u>	<u>1</u>	<u>one of their supervisors, I should say, to work with</u>
<u>11:14:38</u>	<u>2</u>	<u>teachers in any capacity that would be beneficial for</u>
<u>11:14:44</u>	<u>3</u>	<u>them and the students academically, athletically,</u>
<u>11:14:46</u>	<u>4</u>	<u>socially, emotionally.</u>
<u>11:14:50</u>	<u>5</u>	<u>Q. Okay. Were you responsible for like teacher</u>
<u>11:14:55</u>	<u>6</u>	<u>complaints about students?</u>
<u>11:14:59</u>	<u>7</u>	<u>A. Yes, as we all were, so not just myself and</u>
<u>11:15:02</u>	<u>8</u>	<u>Keno but LaShaun and Jarod as well.</u>
<u>11:15:09</u>	<u>9</u>	<u>Q. Okay. You also mentioned day-to-day</u>
<u>11:15:16</u>	<u>10</u>	<u>operations. What does that mean, in your mind?</u>
<u>11:15:23</u>	<u>11</u>	<u>A. It means decision making on different things</u>
<u>11:15:26</u>	<u>12</u>	<u>that go on throughout the day. If there's a decision</u>
<u>11:15:31</u>	<u>13</u>	<u>to, let's say, extend lunch or if there's a decision to</u>
<u>11:15:40</u>	<u>14</u>	<u>redirect students through a different part of the school</u>
<u>11:15:45</u>	<u>15</u>	<u>because of a fight or safety issue, things of that</u>
<u>11:15:52</u>	<u>16</u>	<u>nature.</u>
<u>11:15:54</u>	<u>17</u>	<u>Q. Okay. What were your responsibilities around</u>
<u>11:16:00</u>	<u>18</u>	<u>the facilities?</u>
<u>11:16:02</u>	<u>19</u>	<u>A. Any and all.</u>
<u>11:16:08</u>	<u>20</u>	<u>Q. Would you mind elaborating?</u>
<u>11:16:12</u>	<u>21</u>	<u>A. Meaning, making sure that the building was</u>
<u>11:16:15</u>	<u>22</u>	<u>physically safe, I mean, like if there was something</u>
<u>11:16:20</u>	<u>23</u>	<u>broken, nothing falling down, safe, meaning no one would</u>
<u>11:16:26</u>	<u>24</u>	<u>be in harm walking through the building or around the</u>
<u>11:16:29</u>	<u>25</u>	<u>building, making sure that things were fixed that were</u>

11:16:32	1	<u>broken or not operable, making sure that things are</u>
11:16:42	2	<u>clean, the esthetics of the school, the interworkings of</u>
11:16:49	3	<u>the school, like the piping, the water, the heat.</u>
11:16:57	4	<u>Those are some examples.</u>
11:16:59	5	Q. Okay. And what about athletics, what were
11:17:03	6	your responsibilities as far as that goes?
11:17:05	7	A. Any and everything that -- any and everything
11:17:15	8	that had to do with athletics, whether it was boys,
11:17:20	9	girls, all of the different sports, travel, academic
11:17:26	10	discipline, recruiting, meeting with coaches, not only
11:17:32	11	our coaches but coaches that came from colleges to meet
11:17:36	12	with students, support for those students and
11:17:45	13	scholarships being offered, everything.
11:17:52	14	Q. <u>Okay. Were you, in any way, responsible for</u>
11:17:57	15	<u>teacher discipline?</u>
11:18:00	16	A. <u>At times.</u>
11:18:02	17	Q. <u>What do you mean by "at times"?</u>
11:18:05	18	A. <u>If it was needed, yes, if it was needed.</u>
11:18:11	19	Q. <u>Okay. Were you also responsible for support</u>
11:18:17	20	<u>for teachers --</u>
11:18:18	21	A. <u>Yes.</u>
11:18:19	22	Q. <u>-- in performance of their duties?</u>
11:18:22	23	A. <u>Yes.</u>
11:18:27	24	Q. <u>And that would be assisting them in how they</u>
11:18:31	25	<u>interact with students?</u>

11:18:33	1	A. <u>Yes.</u>
11:18:34	2	Q. <u>And how they teach students?</u>
11:18:37	3	A. <u>Yes.</u>
11:18:39	4	Q. <u>And how they support students?</u>
11:18:42	5	A. <u>Yes, or the lack thereof.</u>
11:18:48	6	Q. <u>Meaning?</u>
11:18:49	7	A. <u>If they didn't support students or if they</u>
11:18:52	8	<u>were supporting students inappropriately or if they were</u>
11:18:57	9	<u>violating their civil rights.</u>
11:19:00	10	Q. <u>And if any of those issues came up, you were</u>
11:19:04	11	<u>responsible for remedying it?</u>
11:19:07	12	A. <u>Trying to mitigate it, yes, yes.</u>
11:19:25	13	Q. Now, when you came back to McClymonds the
11:19:31	14	second time around, are you aware of ever having been
11:19:37	15	the subject of a grievance?
11:19:39	16	A. When I came back to McClymonds after the year
11:19:43	17	I was gone, was I aware that there was a grievance about
11:19:47	18	me?
11:19:49	19	I wasn't aware of any. Like I said before,
11:19:53	20	I'm sure that there may have been some. I mean, it's
11:19:59	21	very possible in our position.
11:20:03	22	Q. And that's your position as an administrator?
11:20:07	23	A. Correct.
11:20:09	24	Q. And that's because oftentimes people might
11:20:12	25	disagree with the decisions you make?

11:25:02	1	or at that time, so it came as a complete shock to
11:25:09	2	everyone.
11:25:09	3	Q. Well, that transfer is not a subject of this
11:25:12	4	lawsuit, correct?
11:25:14	5	A. It's not the subject but it does show how
11:25:17	6	things are -- it does show how the district handles
11:25:22	7	things inappropriately in regards to due process.
11:25:24	8	Q. Okay. But do you believe that that transfer
11:25:28	9	was done because you had engaged in any type of
11:25:31	10	disagreements with anyone at the District?
11:25:35	11	A. Not that I'm aware of, could be, but not that
11:25:38	12	I was made aware of, I should say.
11:25:42	13	Q. Okay. And when you came back to McClymonds,
11:25:49	14	what's -- I guess -- I'm just trying to figure out how
11:25:56	15	big of a school is McClymonds?
11:26:00	16	A. You mean student population, or you mean
11:26:03	17	physicality?
11:26:05	18	Q. Thank you. My question was not very clear.
11:26:08	19	Number of students?
11:26:12	20	A. <u>It fluctuates in between 300 to, maybe, 400.</u>
<u>11:26:19</u>	<u>21</u>	<u>Q. Okay. And do you know what the racial</u>
<u>11:26:23</u>	<u>22</u>	<u>demographics were when you were there?</u>
<u>11:26:26</u>	<u>23</u>	<u>A. McClymonds is about 94, 93 -- between 93 and</u>
<u>11:26:32</u>	<u>24</u>	<u>95 percent African/American, somewhere in there.</u>
<u>11:26:37</u>	<u>25</u>	<u>Q. And do you know what the other, I guess, race</u>

11:26:41	1	<u>or ethnic groups are?</u>
11:26:43	2	A. <u>Yeah, there are a few Latino-Hispanic</u>
11:26:54	3	<u>students. There are some Yemen students. Our Yemen</u>
11:26:59	4	<u>population has grown over the years, and then there's a</u>
11:27:05	5	<u>sprinkle of a couple of different other ethnicity there,</u>
11:27:08	6	but it's predominantly African/American.
11:27:11	7	Q. Okay. You said "Yemen," meaning, students
11:27:16	8	from the country of Yemen?
11:27:19	9	A. Correct.
11:27:20	10	Q. Okay. Are there any white students at
11:27:25	11	McClymonds?
11:27:26	12	A. There were a few.
11:27:29	13	Q. When you say "a few," is that -- are you able
11:27:32	14	to estimate how many?
11:27:33	15	A. Like I can count on one hand, probably.
11:27:37	16	Q. Five or less?
11:27:39	17	A. Approximately, yeah.
11:27:43	18	Q. And any Asian, Asian-American students?
11:27:48	19	A. There may have been a few. There may have
11:27:53	20	been a couple sprinkled in.
11:27:57	21	Q. Again, you believe you could count those on
11:28:00	22	your hand?
11:28:02	23	A. Correct.
11:28:02	24	Q. So five or less?
11:28:04	25	A. Probably, yes.

11:29:45	1	locker rooms, boys and girls, and then that connects to
11:29:50	2	the cafeteria. There's tennis courts there on the back
11:29:57	3	side, and then that connects to the cafeteria which
11:30:00	4	connects to the actual school building that comes up,
11:30:02	5	and then you hit a 90-degree turn and then that
11:30:06	6	connects -- that building connects and goes all the way
11:30:09	7	down from, I believe, 26th Street to 28th Street or 28th
11:30:13	8	to 26th -- I can't remember. But then it goes all the
11:30:19	9	way down the block, and then it comes back around. So
11:30:22	10	the physicality of it is a huge rectangle square.
11:30:28	11	Q. Okay. And then as far as the classrooms go,
11:30:32	12	is there a single room -- is there a single building
11:30:36	13	where all of the classrooms are?
11:30:42	14	A. Well, there's three floors. There are
11:30:47	15	classrooms on each floor. They're all connected, yes.
11:30:54	16	Q. Okay. So just a single-classroom building?
11:31:02	17	A. Correct.
11:31:03	18	Q. <u>Okay. So going back to the disagreement that</u>
<u>11:31:24</u>	<u>19</u>	<u>you believe you had that resulted in your termination,</u>
<u>11:31:30</u>	<u>20</u>	<u>the first one you mentioned was the water, correct?</u>
<u>11:31:36</u>	<u>21</u>	A. <u>Correct.</u>
<u>11:31:37</u>	<u>22</u>	Q. <u>What was the problem with the water?</u>
<u>11:31:42</u>	<u>23</u>	A. <u>There was lead in the water.</u>
<u>11:31:44</u>	<u>24</u>	Q. <u>Okay. What -- how do you know that there was</u>
<u>11:31:56</u>	<u>25</u>	<u>lead in the water?</u>

<u>11:31:58</u>	<u>1</u>	<u>A. There were tests done to prove that there was</u>
<u>11:32:01</u>	<u>2</u>	<u>lead in the water, insurmountable amounts of lead in the</u>
<u>11:32:06</u>	<u>3</u>	<u>water that were beyond -- there should be no lead in the</u>
<u>11:32:10</u>	<u>4</u>	<u>water. Let's start there. But even at the EPA or the</u>
<u>11:32:16</u>	<u>5</u>	<u>levels that lead should be in the water, there were</u>
<u>11:32:19</u>	<u>6</u>	<u>insurmountable levels of lead in the water.</u>
<u>11:32:22</u>	<u>7</u>	<u>Q. Okay. And do you know how that problem came</u>
<u>11:32:34</u>	<u>8</u>	<u>to the attention of the District?</u>
<u>11:32:37</u>	<u>9</u>	<u>A. I brought it up.</u>
<u>11:32:39</u>	<u>10</u>	<u>Q. Okay. How did you do that?</u>
<u>11:32:43</u>	<u>11</u>	<u>A. I did it starting with an email to District</u>
<u>11:32:51</u>	<u>12</u>	<u>upper management.</u>
<u>11:32:56</u>	<u>13</u>	<u>Q. Who in upper management?</u>
<u>11:32:58</u>	<u>14</u>	<u>A. Well, it initially started with -- email-wise,</u>
<u>11:33:04</u>	<u>15</u>	<u>it started with an email -- well, it started with a</u>
<u>11:33:11</u>	<u>16</u>	<u>conversation with, I believe, Steven Littlejohn. I</u>
<u>11:33:17</u>	<u>17</u>	<u>don't know what his exact title was at the time, but I</u>
<u>11:33:22</u>	<u>18</u>	<u>know he was a facility director-ish, and he had come to</u>
<u>11:33:29</u>	<u>19</u>	<u>our school and he had come to my office or walked past</u>
<u>11:33:32</u>	<u>20</u>	<u>my office and I stopped him, and myself and Coach Peters</u>
<u>11:33:40</u>	<u>21</u>	<u>had alerted him that something was wrong with the water,</u>
<u>11:33:43</u>	<u>22</u>	<u>that we thought the water didn't look right, it's</u>
<u>11:33:48</u>	<u>23</u>	<u>discolored, and we probably asked for testing.</u>
<u>11:33:52</u>	<u>24</u>	<u>So we told him -- I sent him an email, I</u>
<u>11:33:58</u>	<u>25</u>	<u>believe he sent an email out as well, and that's what</u>

11:34:02	1	<u>started it all, I believe.</u>
11:34:04	2	Q. <u>Okay. When did this meeting with</u>
11:34:08	3	<u>Mr. Littlejohn occur?</u>
11:34:10	4	A. <u>I'm not sure the exact date, but it's dated in</u>
11:34:14	5	<u>emails in the documents that I handed over.</u>
11:34:17	6	Q. <u>Okay. According to your Complaint, it was</u>
11:34:22	7	<u>approximately August 22nd, 2016.</u>
11:34:26	8	<u>Does that sound right?</u>
11:34:28	9	A. <u>Yeah, that's what my Complaint says. Yes,</u>
11:34:31	10	<u>that sounds about right.</u>
11:34:33	11	Q. And was that -- did you notice -- was this
11:34:36	12	your first year back at McClymonds?
11:34:42	13	A. Yes, I believe it was.
11:34:44	14	Q. Okay. And so that -- if that was in August of
11:34:48	15	2016, that would have been the very beginning of the
11:34:52	16	school year, correct?
11:34:54	17	A. Correct.
11:34:54	18	Q. Okay. Had you noticed any problems with the
11:34:57	19	water at McClymonds during your first stint?
11:35:02	20	A. I had not.
11:35:03	21	Q. <u>Okay. How did you first notice that there was</u>
11:35:09	22	<u>something concerning with the water?</u>
11:35:12	23	A. <u>Well, because -- how can I explain. You know,</u>
11:35:22	24	<u>if you have a lemonade dispenser, and then at the bottom</u>
11:35:28	25	<u>you let water out in some sort of way -- a water</u>

<u>11:35:31</u>	<u>1</u>	<u>dispenser?</u>
<u>11:35:34</u>	<u>2</u>	<u>Q. Like a --</u>
<u>11:35:35</u>	<u>3</u>	<u>A. Are you with me?</u>
<u>11:35:36</u>	<u>4</u>	<u>Q. I'm -- are you saying like -- I'm just</u>
<u>11:35:41</u>	<u>5</u>	<u>thinking of a big orange Gatorade cooler now.</u>
<u>11:35:44</u>	<u>6</u>	<u>A. Well, that comes into play in a second.</u>
<u>11:35:47</u>	<u>7</u>	<u>However, I'm thinking like if you were at a party or a</u>
<u>11:35:52</u>	<u>8</u>	<u>picnic, and there's lemonade in a dispenser and the</u>
<u>11:35:56</u>	<u>9</u>	<u>dispenser is clear, it's transparent, you can see</u>
<u>11:35:57</u>	<u>10</u>	<u>through it, so when you come and you see, Oh, that's</u>
<u>11:36:00</u>	<u>11</u>	<u>lemonade, or, That's ice tea in that dispenser.</u>
<u>11:36:04</u>	<u>12</u>	<u>Q. Okay.</u>
<u>11:36:05</u>	<u>13</u>	<u>A. Does that make sense?</u>
<u>11:36:07</u>	<u>14</u>	<u>Q. Yes.</u>
<u>11:36:09</u>	<u>15</u>	<u>A. I have one of those in my office for the kids</u>
<u>11:36:14</u>	<u>16</u>	<u>to come and get water in between classes or whenever as</u>
<u>11:36:19</u>	<u>17</u>	<u>need be.</u>
<u>11:36:20</u>	<u>18</u>	<u>I also had students each period who were</u>
<u>11:36:27</u>	<u>19</u>	<u>helpers, like teacher assistant, so to speak, and the</u>
<u>11:36:35</u>	<u>20</u>	<u>first time I noticed it was when I brought that</u>
<u>11:36:43</u>	<u>21</u>	<u>dispenser to school, and I had my students go to -- they</u>
<u>11:36:50</u>	<u>22</u>	<u>would have to go to the locker room in the P.E.</u>
<u>11:36:54</u>	<u>23</u>	<u>Department in order to get ice and to get water because</u>
<u>11:36:57</u>	<u>24</u>	<u>of the way you had -- the dispenser was, maybe, so big.</u>
<u>11:37:01</u>	<u>25</u>	<u>You had to put it down underneath in order to get water</u>

11:37:05	1	<u>out of it.</u>
11:37:05	2	<u>So the ice machine was in the athletic</u>
11:37:08	3	<u>building as well, so the ice machine was run off of the</u>
11:37:14	4	<u>water as well, obviously, and so they got water from the</u>
11:37:19	5	<u>locker room. They had to get it in the shower stalls in</u>
11:37:24	6	<u>order to fill it up. So once they went out to go fill</u>
11:37:32	7	<u>it up, they brought it back.</u>
11:37:34	8	<u>So with that said, once they brought it back,</u>
11:37:35	9	<u>Coach Peter and I noticed that it was a rust color, and</u>
11:37:41	10	<u>this happened -- it wasn't the first time, but it --</u>
11:37:48	11	<u>after it happened a couple times, it was obvious that</u>
11:37:54	12	<u>something was wrong with the water. Something is in the</u>
11:37:57	13	<u>water.</u>
11:38:00	14	<u>Q. Okay. So you noticed sort of the -- was</u>
11:38:02	15	<u>this -- it was like a rust-colored sediment at the</u>
11:38:06	16	<u>bottom of the dispenser?</u>
11:38:09	17	<u>A. No, it wasn't at the bottom of the dispenser.</u>
11:38:12	18	<u>It was just -- it wasn't like you put sugar in ice tea</u>
11:38:16	19	<u>and it's unstirred and it sits at the bottom. It was</u>
11:38:16	20	<u>like the sugar is already stirred up in there. There</u>
11:38:21	21	<u>wasn't any sediment at the bottom of the --</u>
11:38:26	22	<u>Q. Okay. So the water was discolored?</u>
11:38:28	23	<u>A. Correct.</u>
11:38:29	24	<u>Q. Okay. And then Mr. Littlejohn was at the</u>
11:38:35	25	<u>school. Were you -- did you request him to come there?</u>

11:40:14	1	and something is wrong with the water. We need the
11:40:19	2	water to be tested.
11:40:21	3	Q. Was anyone else present for this conversation?
11:40:25	4	A. Michael Peters was.
11:40:27	5	Q. Okay. Is that Coach Peters?
11:40:30	6	A. Correct.
11:40:32	7	Q. <u>And what was -- what did Mr. Littlejohn say</u>
<u>11:40:36</u>	<u>8</u>	<u>when you brought this forward?</u>
<u>11:40:37</u>	<u>9</u>	<u>A. He was -- he understood. I believe he told</u>
<u>11:40:43</u>	<u>10</u>	<u>me -- I want to say he asked me to email him. I can't</u>
<u>11:40:54</u>	<u>11</u>	<u>recall the exact -- I want to say he asked me to email</u>
<u>11:40:58</u>	<u>12</u>	<u>him, and then, I think, he took the email and he added</u>
<u>11:41:03</u>	<u>13</u>	<u>me to the email string, I believe, and then he</u>
<u>11:41:07</u>	<u>14</u>	<u>emailed -- he alerted some upper management about what I</u>
<u>11:41:12</u>	<u>15</u>	<u>had spoken to him about in the hallway as he was passing</u>
<u>11:41:18</u>	<u>16</u>	<u>by.</u>
11:41:18	17	Q. Okay. Apart from the email that you sent to
11:41:22	18	him, was there any other -- did you make any other
11:41:27	19	notes, memoranda, notes of memoranda about that meeting?
11:41:35	20	A. It was just a passersby. It was just
11:41:38	21	something to establish that there was a deep -- I had a
11:41:43	22	deep concern being that I was the overseer of
11:41:48	23	facilities, that our drinking water was -- it's not
11:41:57	24	usable, that I had a real concern, and that it needed to
11:42:04	25	be tested.

<u>11:42:04</u>	<u>1</u>	Q. <u>When you told Mr. Littlejohn, was he angry or</u>
<u>11:42:10</u>	<u>2</u>	<u>upset?</u>
<u>11:42:11</u>	<u>3</u>	A. <u>Not at all. Not at all.</u>
<u>11:42:13</u>	<u>4</u>	Q. <u>He didn't say anything to you, Why are you</u>
<u>11:42:16</u>	<u>5</u>	<u>complaining about this?</u>
<u>11:42:18</u>	<u>6</u>	A. <u>Not at all.</u>
<u>11:42:19</u>	<u>7</u>	Q. <u>Okay. Did he proceed to get the water tested?</u>
<u>11:42:25</u>	<u>8</u>	A. <u>I don't know. I don't think he was the person</u>
<u>11:42:27</u>	<u>9</u>	<u>who actually was responsible for that piece, but he</u>
<u>11:42:33</u>	<u>10</u>	<u>was -- he did his part into insofar as taking the</u>
<u>11:42:41</u>	<u>11</u>	<u>information that I had given to him and forwarding it to</u>
<u>11:42:45</u>	<u>12</u>	<u>upper management where it could be dealt with at the</u>
<u>11:42:49</u>	<u>13</u>	<u>next step.</u>
<u>11:42:50</u>	<u>14</u>	Q. <u>When you reported this to him, facilities was</u>
<u>11:42:53</u>	<u>15</u>	<u>part of your purview as assistant principal?</u>
<u>11:42:57</u>	<u>16</u>	A. <u>Yes.</u>
<u>11:42:58</u>	<u>17</u>	Q. <u>And so you believe you were doing your job</u>
<u>11:43:00</u>	<u>18</u>	<u>when you reported it to him?</u>
<u>11:43:02</u>	<u>19</u>	A. <u>Yes.</u>
<u>11:43:04</u>	<u>20</u>	Q. <u>And that was an internal report to another</u>
<u>11:43:08</u>	<u>21</u>	<u>person at the District who was responsible for</u>
<u>11:43:13</u>	<u>22</u>	<u>facilities, generally?</u>
<u>11:43:15</u>	<u>23</u>	A. <u>Yes.</u>
<u>11:43:19</u>	<u>24</u>	Q. <u>And so what happened next with the water?</u>
<u>11:43:27</u>	<u>25</u>	A. <u>So the water was tested, and it, indeed,</u>

11:43:35	1	<u>showed that there was lead in the water, and the water</u>
11:43:38	2	<u>was not usable. It shouldn't have been usable for</u>
11:43:46	3	<u>drinking or anything when it was being used for</u>
11:43:51	4	<u>everything.</u>
11:43:53	5	Q. When you say "everything," what does that
11:43:55	6	include?
11:43:56	7	A. From cleaning to drinking to making kids food
11:44:02	8	to being distributed to other guests that came on our
11:44:06	9	campus, other schools.
11:44:09	10	Q. <u>How long did it take for the water to get</u>
11:44:12	11	<u>tested after you first brought this up?</u>
11:44:16	12	A. <u>The gentleman that I was -- that initially</u>
11:44:18	13	<u>tested it out, I want to say he ordered tests pretty</u>
11:44:24	14	<u>quickly. I don't know. You'd have to look at the</u>
11:44:26	15	<u>emails that were sent to find out exactly, but I would</u>
11:44:29	16	<u>say that the ordering of tests was expeditious.</u>
11:44:36	17	Q. Was that Mr. Toybe (phonetic) --
11:44:42	18	A. I believe so.
11:44:43	19	Q. -- that did the testing?
11:44:45	20	A. I believe so.
11:44:46	21	Q. <u>And you believe that the testing was done</u>
11:44:48	22	<u>expeditiously?</u>
11:44:50	23	A. <u>Initially, yes.</u>
11:44:51	24	Q. <u>Okay. So at what point did you disagree with</u>
11:45:03	25	<u>how the water issue was being handled?</u>

11:45:07	1	A. <u>When reparations for the water were not</u>
11:45:19	2	<u>happening properly.</u>
11:45:20	3	O. <u>Okay. How do you mean?</u>
11:45:24	4	A. <u>Meaning, that there were times when the</u>
11:45:28	5	<u>District said that they were going to come out and do</u>
11:45:32	6	<u>certain things and they weren't done, or they did come</u>
11:45:35	7	<u>out and they half did something.</u>
11:45:38	8	<u>There was a time when they, you know, they</u>
11:45:43	9	<u>wanted to just put quote/unquote Band-Aids on the</u>
11:45:49	10	<u>problem which was not really resolving it. An example</u>
11:45:54	11	<u>of that was they wanted to put -- let's just change the</u>
11:45:58	12	<u>filters or the water spigot. That wasn't going to</u>
11:46:02	13	<u>resolve the problem of lead being in the water.</u>
11:46:05	14	And so they just kept dragging out these
11:46:08	15	non-serviceable duties that they said that they were
11:46:20	16	doing, and it wasn't helping anything. Meanwhile, our
11:46:24	17	kids and everyone else, whether it's us, even staff and
11:46:29	18	everyone else that was on campus, and like I say, guests
11:46:33	19	from other schools, we have other teams and different
11:46:34	20	things that come to our schools, are still being served
11:46:39	21	this water.
11:46:44	22	Q. So who did you voice your disagreement with on
11:46:53	23	how the water was being handled?
11:46:56	24	MS. MEHTA: Objection. Vague.
11:47:05	25	THE WITNESS: There were a lot of meetings

11:47:08	1	that had upper management in -- around the water, and
11:47:20	2	the meetings appeared to be forward meetings; meaning,
11:47:27	3	that it appeared that -- it appears that things were
11:47:31	4	getting handled, they were going to fix this, this
11:47:35	5	wasn't going to be an issue anymore, the lead was going
11:47:37	6	to be -- the pipes, everything was going to be taken
11:47:41	7	care of, but that wasn't what happened.
11:47:47	8	Like I said, they just kept trying to put
11:47:50	9	quote/unquote Band-Aids on different things and saying
11:47:54	10	that this was fixed or that was fixed when it never
11:47:57	11	resolved the issue of lead being in the water.
11:48:00	12	Q. <u>And so I'm just -- I'm just trying to find out</u>
11:48:07	13	<u>who you voiced disagreement with?</u>
11:48:11	14	A. <u>All of the upper management. In the</u>
11:48:13	15	<u>paperwork, the emails and the documents that we set</u>
11:48:17	16	<u>forth, handed over, all of those people that are in the</u>
11:48:22	17	<u>emails were at meetings, multiple meetings, regarding</u>
11:48:30	18	<u>the water.</u>
11:48:32	19	Q. <u>Okay. And what -- did you raise your</u>
11:48:35	20	<u>disagreement with how the water was being handled at</u>
11:48:40	21	<u>these meetings?</u>
11:48:42	22	A. <u>Absolutely.</u>
11:48:43	23	Q. Okay. Do you have any notes or memoranda or
11:48:47	24	recordings of any of these meetings?
11:48:50	25	A. Well, of course, I don't have it recorded, I

11:48:50	1	<u>don't have recordings, it was never recorded, but it was</u>
11:48:59	2	<u>known throughout that I was not happy about how the</u>
11:49:05	3	<u>handling of the water was being handled.</u>
11:49:12	4	Q. <u>Okay. And you were at these meetings in your</u>
11:49:17	5	<u>capacity as an assistant principal at McClymonds,</u>
11:49:21	6	<u>correct?</u>
11:49:23	7	A. <u>Correct.</u>
11:49:24	8	Q. <u>And you were there because part of your job</u>
11:49:26	9	<u>included facilities at McClymonds, correct?</u>
11:49:31	10	A. <u>Correct.</u>
11:49:31	11	Q. And so at these meetings, are you able to
11:49:36	12	recall specifically who was at any of these meetings
11:49:39	13	where you said that you disagreed with how the district
11:49:43	14	was remediating the water issue?
11:49:46	15	A. Like I said, upper manage- -- it changed from
11:49:48	16	time to time depending on who came to certain meetings
11:49:51	17	depending on how escalated the issue was at the school
11:49:59	18	community. Mr. Scott was there, Vanessa Sifuentes was
11:50:10	19	there, there were building and grounds people there. It
11:50:12	20	was during the time Ms. McCune, she was there.
11:50:13	21	There was a lot of discussion about what was
11:50:25	22	going on and how it was going on, and so when grounds
11:50:30	23	people, district people or contracted people came to the
11:50:34	24	school to do any work at the school, not only just with
11:50:38	25	the piping or the water but with any of that, obviously,

11:54:23 1 and while they're there. So unbeknownst to us, we're
 11:54:28 2 giving them water with lead in it.

11:54:31 3 So, additionally, to that point, piping is
 11:54:38 4 supposed to be redone, water faucets are supposed to be
 11:54:45 5 replaced, and when -- and in the locations that it was
 11:54:56 6 established that lead was present in the water when lead
 11:55:06 7 was present, obviously, throughout the whole school, not
 11:55:09 8 just the football field, but I'm just starting with that
 11:55:13 9 one example.

11:55:13 10 Q. Right. I understand that lead in the water is
 11:55:16 11 certainly a problem. I'm just trying to figure out what
 11:55:21 12 you disagreed with how the district was going about
 11:55:24 13 remediating it?

11:55:28 14 A. How the disagreement came about because at
 11:55:31 15 first, they said, Oh, we'll just change -- they kept
 11:55:34 16 coming with -- the ultimate problem was to change all
 11:55:39 17 the piping throughout the school. That was going to fix
 11:55:41 18 your lead problem, ultimately, right. If we've already
 11:55:47 19 established that the water isn't contaminated coming
 11:55:51 20 from East Bay Mud, it's clean, so that means the school
 11:55:55 21 piping is contaminating the water with lead. So you
 11:55:59 22 need to replace all of the piping throughout the school.

11:56:03 23 And that is not what the district wanted to
 11:56:06 24 do. They wanted to just take a piece here or not do a
 11:56:09 25 piece there or not do something over here. It's too

<u>11:56:09</u>	<u>1</u>	<u>much money to redo that. We're not going to pay for</u>
<u>11:56:15</u>	<u>2</u>	<u>that.</u>
<u>11:56:16</u>	<u>3</u>	<u>Or they would have to do something and it had</u>
<u>11:56:19</u>	<u>4</u>	<u>to pertain just to the football filed as I started with.</u>
<u>11:56:24</u>	<u>5</u>	<u>They just wanted to redirect the piping somewhere, just</u>
<u>11:56:28</u>	<u>6</u>	<u>change out one pipe or just change out the water faucet</u>
<u>11:56:31</u>	<u>7</u>	<u>or change out the spigot and not change the whole piping</u>
<u>11:56:33</u>	<u>8</u>	<u>situation that was there.</u>
<u>11:56:34</u>	<u>9</u>	<u>So those are the disagreements that I would</u>
<u>11:56:38</u>	<u>10</u>	<u>have when I would go check up on the work that was being</u>
<u>11:56:41</u>	<u>11</u>	<u>done.</u>
<u>11:56:42</u>	<u>12</u>	<u>Similarly, if you have work done at your house</u>
<u>11:56:45</u>	<u>13</u>	<u>with the piping, once it's done, you would go check to</u>
<u>11:56:50</u>	<u>14</u>	<u>see if it was done correctly which is what I would do,</u>
<u>11:56:50</u>	<u>15</u>	<u>and I would see that these things are not done</u>
<u>11:56:54</u>	<u>16</u>	<u>correctly.</u>
<u>11:56:55</u>	<u>17</u>	<u>Q. So who did you -- did you raise these concerns</u>
<u>11:57:02</u>	<u>18</u>	<u>outside of the meetings?</u>
<u>11:57:07</u>	<u>19</u>	<u>A. Absolutely.</u>
<u>11:57:08</u>	<u>20</u>	<u>Q. Okay. How did -- did you raise that in any</u>
<u>11:57:12</u>	<u>21</u>	<u>written form?</u>
<u>11:57:13</u>	<u>22</u>	<u>A. Outside of the meet- -- not in written form</u>
<u>11:57:16</u>	<u>23</u>	<u>outside of the meetings, no.</u>
<u>11:57:17</u>	<u>24</u>	<u>Q. Okay. But what I'm asking, was there any</u>
<u>11:57:18</u>	<u>25</u>	<u>emails to anyone where you voiced these concerns?</u>

11:57:24	1	<u>A. Not that I recall. I mean, there may have</u>
11:57:26	2	<u>been an email that I'm speaking to someone and I'm</u>
11:57:30	3	<u>saying that we have issues with water -- with lead in</u>
11:57:32	4	<u>our water here at school. Could be. I could have --</u>
11:57:34	5	<u>that may have happened in daily conversation.</u>
11:57:39	6	<u>Q. Okay. But as far as, do you believe there are</u>
11:57:44	7	<u>any emails that you sent just simply stating that, you</u>
11:57:46	8	<u>know, you felt that how the water was being remediated</u>
11:57:50	9	<u>was inappropriate or not correct?</u>
11:57:52	10	<u>A. I may have.</u>
11:57:54	11	<u>Q. Anything that particularly comes to mind?</u>
11:57:58	12	<u>A. Not particularly.</u>
11:57:59	13	Q. Okay. Did the District hire any outside
11:58:07	14	entities to assist in the remediation?
11:58:11	15	A. I believe so, they did, at some point.
11:58:19	16	Q. Okay. Do you know what that third-party was?
11:58:22	17	A. I don't. I would have to -- you would have to
11:58:24	18	look at the contract on who they hired. I don't know
11:58:28	19	offhand.
11:58:29	20	Q. Okay. And that was done through the District
11:58:31	21	office as far as you can recall?
11:58:32	22	A. Correct.
11:58:33	23	Q. Okay. Do you have any degrees in
11:58:36	24	Environmental Science?
11:58:38	25	A. I do not.

12:01:33	1	go off the record.
12:01:35	2	THE VIDEOGRAPHER: Off the record at 12:01
12:01:36	3	p.m.
12:01:38	4	(Recess taken.)
12:49:36	5	THE VIDEOGRAPHER: We're back on record at
12:49:39	6	12:49 p.m.
12:49:42	7	BY MR. LOWRY:
12:49:43	8	Q. Welcome back Mr. McKinney. You understand
12:49:48	9	you're still under oath, correct?
12:49:50	10	A. Yes.
12:49:55	11	Q. <u>Before we took lunch, we were just talking</u>
<u>12:49:59</u>	<u>12</u>	<u>about the water issues at McClymonds, and I'm trying to</u>
<u>12:50:05</u>	<u>13</u>	<u>just figure out, do you believe that you were terminated</u>
<u>12:50:12</u>	<u>14</u>	<u>because of the fact that you raised the issues</u>
<u>12:50:17</u>	<u>15</u>	<u>surrounding the water, or is it that you disagreed with</u>
<u>12:50:24</u>	<u>16</u>	<u>the manner in which the water issue was being</u>
<u>12:50:28</u>	<u>17</u>	<u>remediated?</u>
<u>12:50:32</u>	<u>18</u>	A. <u>Both.</u>
12:50:33	19	Q. <u>Okay. Now, as far as raising the issue, did</u>
<u>12:50:42</u>	<u>20</u>	<u>anyone ever express disapproval for the fact that you</u>
<u>12:50:48</u>	<u>21</u>	<u>raised the issue of the water at McClymonds?</u>
<u>12:50:55</u>	<u>22</u>	A. <u>Not directly but indirectly. It was the</u>
<u>12:51:04</u>	<u>23</u>	<u>sentiment or the tone that I got was like, Oh, McKinney</u>
<u>12:51:14</u>	<u>24</u>	<u>is complaining about this again, but it's part of my job</u>
<u>12:51:21</u>	<u>25</u>	<u>to oversee to make sure things are going correctly.</u>

12:51:28	1	They already ordered some parts or stuff. We
12:51:32	2	want to put spigots, want to put filters on the thing.
12:51:35	3	McKinney has a problem with that.
12:51:38	4	Well, because that's not really solving the
12:51:41	5	issue, so yes.
12:51:42	6	Q. <u>Okay. But did anyone -- did anyone ever tell</u>
<u>12:51:46</u>	<u>7</u>	<u>you they disapproved of the fact that you brought</u>
<u>12:51:49</u>	<u>8</u>	<u>forward the issue that there was lead in the water?</u>
<u>12:51:53</u>	<u>9</u>	<u>A. Did anyone -- no, no. They wouldn't do that.</u>
12:51:57	10	Q. Well, then do you feel that anyone retaliated
12:52:00	11	against you just for simply bringing forward that
12:52:05	12	information?
12:52:05	13	A. That information as well as other information.
12:52:09	14	Q. Okay. What was it -- who do you believe
12:52:13	15	retaliated against you for just bringing forward the
12:52:15	16	fact that there was something wrong with the water at
12:52:18	17	McClymonds?
12:52:20	18	A. District officials, Vanessa, Scott and
12:52:26	19	whoever -- and whomever else is in that upper management
12:52:35	20	circle.
12:52:37	21	Q. Okay. Well, let's start with Mr. Scott. What
12:52:44	22	did he ever do or say to you to make you believe that he
12:52:46	23	was upset that you had raised the fact that there was
12:52:52	24	something wrong with the water at McClymonds?
12:52:55	25	A. I didn't say that he was upset that I raised

12:53:00	1	the point that there's something wrong with the water.
12:53:05	2	My point is that I became, essentially, less,
12:53:18	3	for lack of a better term, a nuisance to them about
12:53:22	4	making sure things were done properly, whether it
12:53:26	5	pertained to facilities with the water, whether it
12:53:30	6	pertained to discipline at school, whether it pertained
12:53:36	7	to just day-to-day decision making.
12:53:41	8	Q. <u>Right. So just sticking with the water right</u>
12:53:43	9	<u>now, I'm trying to differentiate, do you believe that</u>
12:53:49	10	<u>Jarod Scott retaliated against you because you brought</u>
12:53:55	11	<u>forth the issue of the water being polluted with lead?</u>
12:54:04	12	A. <u>Not -- not -- not -- no. That's not the way I</u>
12:54:09	13	<u>would state it, that he was upset with me or he --</u>
12:54:13	14	<u>because I brought forth the mentioning of the lead.</u>
12:54:20	15	It's more of I'm not allowing for things to be
12:54:27	16	done improperly or not for the betterment of our
12:54:30	17	students or our school or our community, so when those
12:54:34	18	things aren't done in the proper way or the fashion that
12:54:37	19	they should be done, then I raise the question. And
12:54:40	20	because I raise questions, that becomes a thorn in their
12:54:43	21	side.
12:54:44	22	Q. Okay. So just the mere fact that you brought
12:54:48	23	forward the water pollution issue, you don't believe
12:54:51	24	that Jarod Scott retaliated against you just for
12:54:55	25	bringing it forward?

01:02:12	1	building hasn't the piping been changed? Why in the
01:02:16	2	water fountains hasn't the piping been changed? Why in
01:02:20	3	the lunch room that you're cooking food with hasn't the
01:02:24	4	water been changed -- I mean the piping been changed.
01:02:27	5	Q. Did you ever hear someone at the District deny
01:02:30	6	that there was lead in the water?
01:02:32	7	A. I didn't hear them deny that there was lead in
01:02:35	8	the water, but their actions are showing that they're
01:02:38	9	not moving forward to change what the issue or the
01:02:42	10	problem was.
01:02:43	11	Q. <u>Did anyone at the District, at any time, ever</u>
<u>01:02:51</u>	<u>12</u>	<u>tell you that you should not have raised that there was</u>
<u>01:02:55</u>	<u>13</u>	<u>lead in the water?</u>
<u>01:03:08</u>	<u>14</u>	A. <u>Not in those direct words, no.</u>
01:03:11	15	Q. Okay. Did anyone ever tell you that the lead
01:03:14	16	in the water needed to be kept secret?
01:03:24	17	A. I was told that -- it was said to me that why
01:03:34	18	don't you just go along with what we're doing? Why are
01:03:41	19	you so concerned, or, Why are you showing so much
01:03:46	20	concern about what's going on here. Just agree -- just
01:03:48	21	go along with what we're doing.
01:03:57	22	Q. <u>My question is if anyone at the District ever</u>
<u>01:03:57</u>	<u>23</u>	<u>told you that the fact there was lead in the water</u>
<u>01:03:57</u>	<u>24</u>	<u>needed to be kept secret?</u>
<u>01:04:04</u>	<u>25</u>	A. <u>Those words were never used, no.</u>

01:18:30	1	and test it. Does the problem still exist? Yes. Okay.
01:18:34	2	Well, we continue to work.
01:18:37	3	Does the problem still exist? No, it's fixed.
01:18:38	4	Okay. Cool. We can move forward and we can reopen it.
01:18:42	5	That wasn't always done.
01:18:45	6	Q. Okay. When you would bring forward issues
01:18:49	7	about testing water, would that testing get done?
01:18:55	8	A. Sometimes it would; sometimes it wouldn't.
01:18:57	9	Q. Okay. Did anyone ever express disapproval
01:19:02	10	that you were requesting water tests at various
01:19:06	11	locations?
01:19:07	12	A. Absolutely. It was requested by community
01:19:11	13	members on a frequent basis at board meetings by
01:19:15	14	community members. They would ask why testing isn't
01:19:20	15	being done, why haven't these been remedied, so that was
01:19:24	16	ongoing.
01:19:25	17	Q. <u>But I'm asking if anyone from the district</u>
01:19:28	18	<u>ever expressed that they were upset with you, mad or</u>
01:19:32	19	<u>annoyed that you were requesting testing in certain</u>
01:19:36	20	<u>locations?</u>
01:19:36	21	A. <u>Directly, no, that never happened.</u>
01:19:39	22	Q. Okay. When you say "directly," what do you
01:19:42	23	mean indirectly?
01:19:43	24	A. No one ever came to me and said, Cleveland,
01:19:46	25	we're upset with you because you're requesting testing

01:19:46 1 to be done, or, Cleveland we're upset with you because
 01:19:50 2 you said that lead is in the water and we need to fix
 01:19:54 3 the lead. No one ever said that. No one directly said
 01:19:57 4 that.

01:19:58 5 Q. So what makes you believe that anyone was
 01:20:01 6 upset that you were bringing forth the issues that you
 01:20:07 7 felt were salient regarding the water testing?

01:20:11 8 A. It's the water testing and all of these other
 01:20:15 9 things with the school that are in my claims that show
 01:20:22 10 that like -- I'm sure you'll get to it at some point --
 01:20:28 11 about the writeups that were written up that were false
 01:20:33 12 writeups, so it's nothing -- you keep asking me did they
 01:20:36 13 say things to me directly that said they were mad at you
 01:20:40 14 or, Don't do this. That was never done. No one does
 01:20:43 15 that. They do it in a roundabout way. Their actions
 01:20:47 16 showed it.

01:20:48 17 Q. Okay. So do you believe that the -- that you
 01:20:54 18 were subjected to writeups and other things because you
 01:20:57 19 raised issues about the water?

01:21:01 20 A. And other things, absolutely.

01:21:02 21 Q. What do you mean "and other things"?

01:21:05 22 A. Whether it was student discipline or how
 01:21:10 23 decisions were being made for the school.

01:21:15 24 Q. Okay. So when you raised the issue -- so, for
 01:21:35 25 instance, they wanted to change out the faucets and the

01:23:15	1	A. Yes, yes, in meetings, several meetings. Not
01:23:22	2	just me. Others would say the same thing. I mean, you
01:23:25	3	would get community members to say this. They set up a
01:23:28	4	water task force or something to that sort where people
01:23:32	5	would come and make these suggestions and arguments and
01:23:37	6	pushbacks and say the exact same things that I was
01:23:41	7	saying insofar as how to remedy the lead situation.
01:23:45	8	Q. All right. Are there any specific meetings
01:23:49	9	that you can recall where you raised the issue of
01:23:52	10	re-piping needing to be done?
01:23:57	11	A. When it came up -- other specific meetings?
01:23:59	12	There were so many meetings where it was about water,
01:24:03	13	and yes, re-piping is the heart of resolving the
01:24:13	14	problem, but what was said and what was done -- so to
01:24:17	15	answer your question is, yes.
01:24:19	16	What was said and what was done after those
01:24:21	17	meetings, We'll try this first, or, We're going to do
01:24:26	18	this, and most of those tries and dos, they didn't work.
01:24:32	19	Q. <u>Okay. So did anyone ever tell you that you</u>
01:24:40	20	<u>shouldn't bring up the idea of re-piping?</u>
01:24:48	21	A. <u>No one ever told me directly not to bring up</u>
01:24:51	22	<u>re-piping, no.</u>
01:24:52	23	Q. <u>Did anyone tell you not to raise, you know,</u>
01:24:54	24	<u>the idea of re-piping?</u>
01:24:58	25	A. <u>No one directly told me anything like I said</u>

01:25:02	1	<u>before, no.</u>
01:25:07	2	Q. So was there anything more than just a
01:25:10	3	disagreement between you and the District about how to
01:25:13	4	remedy the lead in the water?
01:25:20	5	A. I don't understand your question.
01:25:21	6	Q. Okay. So I'm just trying to figure out if
01:25:24	7	there was -- if anyone ever said anything to you that
01:25:29	8	you shouldn't bring up these water issues?
01:25:34	9	A. No, that was not -- that's not going to be
01:25:36	10	said to me. Then they would be telling me not to do my
01:25:40	11	job, right, because my job is I oversee facilities, so
01:25:45	12	that means I am the gatekeeper for facilities at the
01:25:50	13	school. Just like I would be the gatekeeper at my
01:25:53	14	house. You would be the gatekeeper at your house. If
01:25:54	15	something is wrong with the water and I'm having it come
01:25:57	16	and I'm having someone come to fix it and they haven't
01:26:01	17	fixed it correctly, I'm not going to stand by and say,
01:26:04	18	Okay, and just allow that to happen, right?
01:26:07	19	You acquire -- you keep pushing back until the
01:26:12	20	issue is resolved, and you continue that, like I said,
01:26:15	21	until the issue is resolved, and the issue of lead being
01:26:19	22	in the water was an issue that wasn't being resolved.
01:26:27	23	Q. <u>Okay. So your disagreement with the District</u>
01:26:37	24	<u>was how they were remediating the water?</u>
01:26:42	25	A. <u>If you called me doing my job as, Overseer of</u>

01:26:47	1	<u>facilities, making sure that jobs being done on the</u>
01:26:53	2	<u>campus that I'm in charge of, being done properly is in</u>
01:27:00	3	<u>disagreeance and holding people who are -- holding</u>
01:27:05	4	<u>people accountable for who are doing those jobs and</u>
01:27:09	5	<u>doing them properly, then yes.</u>
01:27:11	6	Q. Okay. You never did any of the testing of any
01:27:13	7	of the water yourself, right?
01:27:15	8	A. No.
01:27:16	9	Q. Okay. So the tests were done, and then the
01:27:20	10	District received back the results, correct?
01:27:23	11	A. I believe that's how it happened, yes.
01:27:25	12	Q. No one ever told you to keep those test
01:27:29	13	results secret, correct?
01:27:33	14	A. No.
01:27:35	15	Q. And you were not the only person who received
01:27:39	16	those test results, correct?
01:27:41	17	A. Correct.
01:27:42	18	Q. Everybody got those test results?
01:27:45	19	A. Who's everybody?
01:27:46	20	Q. Everybody involved with the water remediation?
01:27:49	21	A. I would assume, yes.
01:27:55	22	Q. So you never brought forward -- well, did you
01:27:58	23	ever bring forward any other information that the water
01:28:02	24	was -- that the water had lead in it?
01:28:06	25	MS. MEHTA: Objection. Vague.

01:29:26	1	testing there?
01:29:28	2	A. I don't work for them anymore. You would have
01:29:32	3	to ask them.
01:29:34	4	Q. <u>Okay. As tests were done at McClymonds on the</u>
01:29:47	5	<u>water, you mentioned that the showers and spigots -- the</u>
01:29:51	6	<u>shower heads and the spigots were replaced; is that</u>
01:29:55	7	<u>correct?</u>
01:29:55	8	A. <u>Yes.</u>
01:29:56	9	Q. <u>Okay. What else was -- well, were there any</u>
01:29:59	10	<u>other steps taken to address the lead in the water?</u>
01:30:04	11	MS. MEHTA: <u>Objection. Asked and answered,</u>
01:30:05	12	<u>but please do your best.</u>
01:30:07	13	THE WITNESS: <u>Yeah, eventually, like I said</u>
01:30:11	14	<u>before, they -- after -- there were certain parts of the</u>
01:30:13	15	<u>school where eventually they re-piped.</u>
01:30:23	16	BY MR. LOWRY:
01:30:23	17	Q. Okay. So they re-piped certain sections of
01:30:26	18	the school.
01:30:32	19	<u>I think you also said that they would shut</u>
01:30:34	20	<u>down certain facilities if the lead tests were high?</u>
01:30:38	21	A. <u>Correct.</u>
01:30:43	22	Q. They brought in outside water dispensers?
01:30:48	23	A. Yes, but they didn't maintain them because
01:31:02	24	they were overrun with roaches.
01:31:04	25	Q. Okay. What kind of water dispensers were

01:32:43	1	upkeep of them, the continuously paying for water for
01:32:46	2	them to be refilled on a daily basis was too much.
01:32:51	3	Q. Okay. Once the -- were there any other steps
01:32:57	4	taken that you recall?
01:33:00	5	A. Insofar as to provide water?
01:33:03	6	Q. Just to remediate the water to make sure that
01:33:06	7	the kids had safe water?
01:33:17	8	A. That's about it.
01:33:21	9	Q. <u>Okay. Do you remember a period where they</u>
01:33:25	10	<u>were also flashing the pipes on a regular basis?</u>
01:33:29	11	A. <u>Um-hum, I do, yes.</u>
01:33:30	12	Q. <u>Okay. And that was also done to remediate the</u>
01:33:36	13	<u>lead, correct?</u>
01:33:38	14	A. <u>But it didn't.</u>
01:33:40	15	Q. Okay. But it was -- well, it was your
01:33:43	16	understanding that they were flushing the pipes in an
01:33:46	17	attempt to provide safe drinking water at McClymonds?
01:33:52	18	A. Well, if you try something and it doesn't work
01:33:58	19	and then you say you did it and you knowingly know that
01:34:02	20	it doesn't work, that doesn't really seem like a really
01:34:06	21	strong or sincere attempt to do something.
01:34:09	22	Q. All right. Well, whether it's sincere or
01:34:11	23	not --
01:34:12	24	A. Your question was, Do I think that they were
01:34:19	25	trying to remediate the water, so my answer to that

01:36:31	1	referring to yourself?
01:36:32	2	A. I'm referring to me and to everyone else, so
01:36:35	3	the documentation I know that went out is -- I'm sure
01:36:45	4	you'll find documents that says, If you have any
01:36:47	5	questions or comments, you can send them to either her
01:36:49	6	or to Jarod, I believe.
01:36:51	7	But, obviously, she's Jarod's superior, so she
01:36:56	8	was the one who was always leading the charge, so to
01:37:01	9	speak, when it came to the water.
01:37:06	10	Q. And what documentation was sent out as far as
01:37:09	11	that went?
01:37:10	12	A. Whatever documentation the District sent out
01:37:13	13	regarding the water. I know they started some document
01:37:21	14	correspondence to the community and different entities
01:37:26	15	once the water became public, the water situation became
01:37:31	16	public.
01:37:32	17	Q. Okay. And have you produced those documents
01:37:35	18	to your counsel?
01:37:36	19	A. I believe they're Online. Yeah, they're a
01:37:40	20	part of -- it's the production from OUSD.
01:37:46	21	Q. <u>Okay. Did Ms. Sifuentes ever do or say</u>
<u>01:37:54</u>	<u>22</u>	<u>anything to make you believe that she was not concerned</u>
<u>01:37:57</u>	<u>23</u>	<u>about remediating the lead in the water?</u>
<u>01:38:01</u>	<u>24</u>	<u>A. Saying no; do, yes. For instance, I just gave</u>
01:38:05	25	you one instance about the water when we went to the

01:45:28	1	like a preparation counter where you wash food, wash
01:45:32	2	vegetables, wash meat, wash your hands, set-up prep
01:45:39	3	station.
01:45:39	4	Q. So in the kitchen part of the cafeteria?
01:45:42	5	A. But it's up front, correct. It's all in the
01:45:45	6	kitchen, yes.
01:45:46	7	Q. Okay. And when you -- so do you remember your
01:45:52	8	exact words to her about that?
01:45:56	9	A. No, not exactly. Just a roundabout.
01:45:59	10	Q. Okay. And what was her response?
01:46:06	11	A. I don't remember much of a response. I can't
01:46:08	12	recall what her response was. I just know that it was
01:46:12	13	the same -- I mean, it was obvious. It was evident that
01:46:17	14	nothing had changed, and it was something that they were
01:46:21	15	trying to pass on to say that, Oh, everything is okay.
01:46:26	16	Just let it run for a few minutes and it will be okay,
01:46:28	17	and they thought that would suffice, but it didn't.
01:46:34	18	Q. <u>Did she -- but did she say anything to you</u>
01:46:40	19	<u>that indicated to you that she was mad at you for</u>
01:46:43	20	<u>pointing that out?</u>
01:46:45	21	A. <u>No.</u>
01:46:47	22	Q. <u>Did she do anything or say anything that made</u>
01:46:51	23	<u>you think she was annoyed with you for pointing it out?</u>
01:46:54	24	A. <u>No, no, not at that time, no.</u>
01:46:57	25	Q. Okay. Did she say anything to you about next

02:56:12 1 out, what you put them out for, the process in how you
 02:56:17 2 kick them out or remove them from class. What's your
 02:56:21 3 supposed to do after you do that, what's you're supposed
 02:56:24 4 to do when they return, when they can return, and a lot
 02:56:29 5 of times those protocols or procedures are not followed.

02:56:39 6 Q. And I'm trying to draw the connection about
 02:56:45 7 why you were -- you believe you were terminated related
 02:56:52 8 to that?

02:56:59 9 MS. MEHTA: Wait for a question.

02:57:01 10 THE WITNESS: I'm trying to figure out what
 02:57:03 11 you're asking.

02:57:08 12 BY MR. LOWRY:

02:57:08 13 Q. So in your Complaint, and we can take a look
 02:57:11 14 at it again, I'm happy to do another screen share on it
 02:57:14 15 Sheraton -- you raise in paragraph 26. You say that
 02:57:33 16 you, quote, Complained about teachers who are suspending
 02:57:36 17 black students for not having pencils, asking to use the
 02:57:41 18 bathroom, talking or chewing gum and teachers who
 02:57:45 19 needlessly berated black students.

02:57:48 20 Do you see that?

02:57:49 21 A. I do.

02:57:49 22 Q. Okay. Based on this Complaint, I take that to
 02:57:57 23 mean that you believe you were terminated for
 02:57:59 24 complaining about teachers engaging in these activities;
 02:58:02 25 is that correct?

02:58:04	1	A. <u>Not solely terminated for that reason, but</u>
02:58:09	2	<u>again, that's part of the reason. That's one part,</u>
02:58:12	3	<u>along with the water and other parts of my complaints</u>
02:58:14	4	<u>they're rolled into there too, so that's not the sole</u>
02:58:17	5	<u>reason, but that's part of it.</u>
02:58:18	6	Q. <u>Sure. I understand that all -- you believe</u>
02:58:22	7	<u>all of this contributed to it?</u>
02:58:25	8	A. <u>Absolutely.</u>
02:58:26	9	Q. So I'm trying to find out who did you complain
02:58:30	10	to about teachers suspending black students for not
02:58:36	11	having pencils, asking to use the bathroom, talking and
02:58:39	12	chewing gum?
02:58:40	13	A. <u>Mr. Scott.</u>
02:58:41	14	Q. <u>Did you complain to anyone else?</u>
02:58:43	15	A. <u>Vanessa was aware.</u>
02:58:45	16	Q. <u>Okay. Did you complain to anyone else?</u>
02:58:58	17	A. <u>Superintendent was aware. I told her, spoke</u>
02:59:01	18	<u>with her a few times. She was aware.</u>
02:59:04	19	Q. <u>Okay. Did you complain to anyone else?</u>
02:59:07	20	A. <u>Those are my three superiors.</u>
02:59:11	21	Q. Okay. So can I take that to mean you did not
02:59:14	22	complain to anyone else about these issues?
02:59:17	23	A. When you say "complain," you mean make a
02:59:21	24	complaint? I can complain just in conversation, say,
02:59:25	25	Oh, I told so and so this happened today, and I could be

02:59:29	1	talking to another colleague at another school or I
02:59:32	2	could be talking to my parents, but if you're talking
02:59:34	3	about in a meeting, professionally as a complaint, yes,
02:59:38	4	Mr. Scott was aware, Vanessa was aware and Kyla was
02:59:44	5	aware.
02:59:45	6	Q. Okay. No other of your superiors in the chain
02:59:48	7	of command were aware?
02:59:50	8	A. They may have been, but those are the three
02:59:52	9	people that I can tell you specifically it was known
02:59:58	10	that that was going on.
03:00:00	11	Q. <u>Okay. So how did you raise this concern with</u>
<u>03:00:07</u>	<u>12</u>	<u>Mr. Scoot?</u>
<u>03:00:08</u>	<u>13</u>	<u>A. In meetings. It can be in passerby, it can be</u>
<u>03:00:12</u>	<u>14</u>	<u>in weekly meetings in conversation -- in conversations</u>
<u>03:00:17</u>	<u>15</u>	<u>we have. It could be a phone call. He calls me. I</u>
<u>03:00:22</u>	<u>16</u>	<u>call him.</u>
<u>03:00:26</u>	<u>17</u>	<u>Q. What specifically did you tell him with</u>
<u>03:00:38</u>	<u>18</u>	<u>regards to these concerns?</u>
<u>03:00:41</u>	<u>19</u>	<u>A. That teachers -- just exactly what that</u>
<u>03:00:43</u>	<u>20</u>	<u>statement says, that we have teachers that are violating</u>
<u>03:00:47</u>	<u>21</u>	<u>kids' rights.</u>
03:00:49	22	So to help you, maybe, understand just a
03:00:51	23	little bit better, they're -- and which a lot of people
03:00:59	24	didn't know as well, is that there was a lawsuit or
03:01:05	25	there was a stipulation with the District about the

03:01:08	1	handling of African/American -- suspending
03:01:12	2	African/American students and the discipline process and
03:01:14	3	how it was being handled, and so our protocol or process
03:01:20	4	was set up especially at McC which I spearheaded the
03:01:24	5	process in how that was handled.
03:01:28	6	For instance, if you even were a student in
03:01:33	7	class and you were chewing gum or doing something that
03:01:41	8	the teacher didn't like and the teacher wanted to kick
03:01:44	9	you out, a teacher can't just kick you out and just say,
03:01:45	10	Don't come back. That's not the process. That's not
03:01:48	11	the protocol. That's in violation of what was
03:01:52	12	stipulated and in violation their civil rights.
03:01:55	13	There has to be a process and a protocol that
03:01:58	14	goes on before that happens, and those are the things
03:02:01	15	that were not being followed, and those are the things
03:02:05	16	that I was making Mr. Scott and others aware of.
03:02:08	17	Q. <u>Okay. And what was Mr. Scott's reaction when</u>
<u>03:02:17</u>	<u>18</u>	<u>you told him?</u>
<u>03:02:20</u>	<u>19</u>	A. <u>I mean, he listened.</u>
<u>03:02:26</u>	<u>20</u>	Q. <u>Okay. Did he express annoyance that you</u>
<u>03:02:30</u>	<u>21</u>	<u>brought it to him?</u>
<u>03:02:32</u>	<u>22</u>	A. <u>Of course because it's making -- I mean, it's</u>
<u>03:02:37</u>	<u>23</u>	<u>another issue that needs to be dealt with.</u>
<u>03:02:41</u>	<u>24</u>	Q. <u>Okay. How did he express his annoyance?</u>
<u>03:02:46</u>	<u>25</u>	A. <u>I mean, you can express annoyance in many</u>

<u>03:02:49</u>	<u>1</u>	<u>ways. Not do anything which is one. You can try to</u>
<u>03:02:55</u>	<u>2</u>	<u>write a person up for something, things that didn't</u>
<u>03:02:58</u>	<u>3</u>	<u>happen was another way, or not being accurate in the</u>
<u>03:03:01</u>	<u>4</u>	<u>writeup is another way.</u>
<u>03:03:11</u>	<u>5</u>	<u>Q. Are you saying that you believe Mr. Scott</u>
<u>03:03:15</u>	<u>6</u>	<u>expressed his annoyance by not doing anything?</u>
<u>03:03:20</u>	<u>7</u>	<u>A. That's one way.</u>
<u>03:03:23</u>	<u>8</u>	<u>Q. Are you saying you believe that he expresses</u>
<u>03:03:25</u>	<u>9</u>	<u>annoyance by writing you up for things that you don't</u>
<u>03:03:30</u>	<u>10</u>	<u>think happened?</u>
<u>03:03:31</u>	<u>11</u>	<u>A. Correct.</u>
<u>03:03:32</u>	<u>12</u>	<u>Q. Okay. Is there anything else he did that you</u>
<u>03:03:37</u>	<u>13</u>	<u>believe expresses annoyance?</u>
<u>03:03:46</u>	<u>14</u>	<u>A. That's what I recall at this time.</u>
<u>03:03:47</u>	<u>15</u>	<u>Q. Okay. But when you would raise these issues</u>
<u>03:03:54</u>	<u>16</u>	<u>with him, he never said anything to you like, Don't</u>
<u>03:04:01</u>	<u>17</u>	<u>bring this to my attention, Don't complain about this.</u>
<u>03:04:05</u>	<u>18</u>	<u>Teachers can do whatever they want, anything like that?</u>
<u>03:04:10</u>	<u>19</u>	<u>A. Well, I mean, no -- Oh --</u>
<u>03:04:18</u>	<u>20</u>	MS. MEHTA: Charlie horse.
<u>03:04:19</u>	<u>21</u>	Can we take a short break. Can we take five
<u>03:04:20</u>	<u>22</u>	minutes?
<u>03:04:22</u>	<u>23</u>	MR. LOWRY: Yeah.
<u>03:04:24</u>	<u>24</u>	THE VIDEOGRAPHER: Going off the record at
<u>03:04:25</u>	<u>25</u>	3:04 p.m.

03:16:57	1	that felt I was being too lenient. So, for instance,
03:17:00	2	they kick a student out. Why is he suspended? She
03:17:05	3	flipped over a table or a desk, and then she be
03:17:08	4	suspended, or, How come they don't this, this and this,
03:17:12	5	but yet they failed to say how they violated the
03:17:15	6	student's rights beforehand or during that.
03:17:19	7	So they would complain to Mr. Scott,
03:17:23	8	Mr. McKinney is not doing anything. He's not being, you
03:17:24	9	know -- and I'm saying to them, Scott and the teacher,
03:17:29	10	that they're in violation of these students' rights.
03:17:34	11	So, yes, I could discipline the students, but
03:17:37	12	the teachers need to remediate how they're teaching and
03:17:42	13	their strategies on what they're doing as well.
03:17:46	14	Q. <u>Okay. But so I don't mean to beat a dead</u>
03:17:53	15	<u>horse, but did Mr. Scott ever specifically sensor you or</u>
03:17:57	16	<u>say, Don't complain to me about this kind of thing.</u>
03:18:00	17	<u>Don't worry about students' rights?</u>
03:18:03	18	A. <u>No, he didn't say, right.</u>
03:18:05	19	Q. Okay. Okay. And what about Ms. Sifuentes.
03:18:14	20	You said you also raised the student right violation
03:18:20	21	issue with her. When did you do that?
03:18:23	22	A. <u>Well, I mean, she was part of the meetings</u>
03:18:25	23	<u>that go on when we are all meeting, so it's not</u>
03:18:28	24	<u>necessarily I'm raising the issue to her, but she's a</u>
03:18:32	25	<u>part of the meeting and a part of the brainstorms that</u>

03:18:35	1	<u>goes on in the room.</u>
03:18:37	2	Q. Okay.
03:18:38	3	A. So, again, actions speak louder than words, so
03:18:42	4	if I'm bringing up an issue that needs to be resolved,
03:18:45	5	and the two higher-ups are not resolving it, then that's
03:18:50	6	being violated. So that says something in itself.
03:18:54	7	Q. Okay. So you believe that in these meetings
03:18:57	8	with Principal Scott and Ms. Sifuentes, you raised this
03:19:04	9	issue that you believed teachers were violating
03:19:08	10	students' rights?
03:19:10	11	A. Teachers and staff.
03:19:12	12	Q. Okay. And what was Ms. Sifuentes' response?
03:19:21	13	A. I mean, I don't remember -- I don't recall a
03:19:27	14	specific answer to that question. It would have to be a
03:19:32	15	certain incident brought up that she raised that I can
03:19:35	16	respond to. So if you want to talk about any of the
03:19:38	17	incidents that I claimed, I can tell you what -- how
03:19:40	18	the --
03:19:43	19	Q. <u>We'll certainly get there. What was</u>
03:19:46	20	<u>Ms. Sifuentes' response, generally, and let me clarify</u>
03:19:51	21	<u>that.</u>
03:19:52	22	<u>Did she ever specifically say, Don't -- did</u>
03:19:58	23	<u>she ever tell you not to complain about student right</u>
03:20:01	24	<u>violations?</u>
03:20:03	25	A. <u>No.</u>

03:20:03	1	<u>Q. Did she ever sensor you for raising the issue</u>
<u>03:20:07</u>	<u>2</u>	<u>of student right violations?</u>
<u>03:20:11</u>	<u>3</u>	<u>A. No.</u>
03:20:11	4	Q. Did she ever say anything that made you think
03:20:15	5	that she was not concerned about students' rights?
03:20:19	6	A. Did she say or do?
03:20:21	7	Q. Say.
03:20:22	8	A. Say? No.
03:20:23	9	Q. Okay. Did she do anything that made you
03:20:30	10	believe she wasn't concerned about students' rights?
03:20:33	11	A. A lot of times not action is your action, so
03:20:37	12	when you don't do something, then that's your way of
03:20:43	13	speaking or not being supportive of what's taking place.
03:20:51	14	So non-action is action.
03:20:54	15	Q. Okay.
03:20:59	16	A. Actions speak very loud.
03:21:02	17	Q. <u>So you believe she didn't do anything when you</u>
<u>03:21:05</u>	<u>18</u>	<u>raised these concerns?</u>
<u>03:21:07</u>	<u>19</u>	<u>A. Correct.</u>
03:21:07	20	Q. Okay. Just going back to your Complaint, I'll
03:21:23	21	just do a screen share on it again so we're all on the
03:21:29	22	same page.
03:21:38	23	In paragraph 26 you refer to, Disproportionate
03:21:42	24	discipline in violation of the 2012 Agreement.
03:21:47	25	Do you see that?

03:25:25	1	consequences when they violated those rights.
03:25:29	2	And these are the things I bring up to Scott
03:25:32	3	and Sifuentes, and is anything said about it? No. But
03:25:37	4	is anything done about it? No. And when you don't do
03:25:39	5	anything about it, that speaks volumes
03:25:41	6	Q. Okay. So my question was actually just, in
03:25:45	7	your complaint where you say this was disproportionate
03:25:50	8	discipline, how did you determine that black students
03:25:55	9	were being disciplined at a higher rate than white
03:26:01	10	students or students of other races or ethnicities?
03:26:06	11	A. In that OCR report, the OCR did that. I
03:26:10	12	didn't do that.
03:26:10	13	Q. <u>I'm asking about when the complaint that --</u>
03:26:13	14	<u>you say in your complaint that you complained to</u>
03:26:16	15	<u>Sifuentes and Scott, that there was disproportionate</u>
03:26:22	16	<u>discipline of black students which violated the 2012</u>
03:26:26	17	<u>Agreement?</u>
03:26:27	18	A. <u>Right, because at McClymonds, there's</u>
03:26:30	19	<u>predominantly all black students, and so the discipline</u>
03:26:33	20	<u>with that definitely has to be on point because every</u>
03:26:36	21	<u>time most -- nine out of ten times we discipline</u>
03:26:38	22	<u>somebody at McClymonds, they're going to be black,</u>
03:26:40	23	right, so you have to be in alignment with what it says
03:26:44	24	for OCR, or those numbers are going to jump up
03:26:49	25	exponentially. The person at the school was half white

03:29:48	1	how it's supposed to be done, and you're both not on the
03:29:52	2	same page, then, of course, it's going to create
03:29:54	3	divisiveness.
03:29:57	4	Q. Okay. So I guess my question is, Was it your
03:30:02	5	belief that black students were receiving
03:30:06	6	disproportionately high punishments, or they were being
03:30:11	7	disproportionately punished as a group?
03:30:16	8	A. Both.
03:30:17	9	Q. Okay. And how do you make that assessment
03:30:26	10	when nearly all the students at McClymonds are black?
03:30:33	11	A. All you have to do is look at the numbers and
03:30:36	12	how frequent the suspensions and different things are
03:30:45	13	and what the consequences are.
03:30:49	14	Q. <u>Okay. So when you brought these complaints</u>
03:31:03	15	<u>forward -- Oh, you said you also brought this concern</u>
03:31:08	16	<u>forward to the superintendent?</u>
03:31:12	17	A. <u>I did.</u>
03:31:13	18	Q. <u>And that's Ms. Trammell-Johnson [sic]?</u>
03:31:16	19	A. <u>Correct.</u>
03:31:18	20	Q. <u>When did you do that?</u>
03:31:20	21	A. <u>I don't recall the date, but it's in the</u>
03:31:23	22	<u>documents.</u>
03:31:24	23	Q. <u>Okay. Did you have a meeting with her?</u>
03:31:30	24	A. <u>I did.</u>
03:31:31	25	Q. And who requested that meeting?

03:34:26	1	Q. Do you know if you provided those to your
03:34:28	2	counsel?
03:34:30	3	A. I'm not sure. I would have to look.
03:34:33	4	Q. Okay. So this meeting that we were talking
03:34:44	5	about before we kind of took a turn here, was about the
03:34:50	6	meeting you wanted to talk with the superintendent about
03:34:58	7	students' rights being violated by teachers; is that
03:35:01	8	right?
03:35:01	9	A. It was about multiple things. My initial
03:35:05	10	meeting with her was about several different things, and
03:35:13	11	I didn't go along. It wasn't just me who went. There
03:35:17	12	were several other people who are community members and
03:35:21	13	stakeholders in the school and the community that went
03:35:25	14	along with me.
03:35:26	15	Q. <u>Okay. And what was the purpose of that first</u>
<u>03:35:29</u>	<u>16</u>	<u>meeting with her?</u>
<u>03:35:31</u>	<u>17</u>	<u>A. It was to express the concerns of the state of</u>
<u>03:35:35</u>	<u>18</u>	<u>the school and how it affects the school and the</u>
<u>03:35:40</u>	<u>19</u>	<u>community that it serves.</u>
<u>03:35:45</u>	<u>20</u>	<u>Q. Okay. What were the specific concerns about</u>
<u>03:35:48</u>	<u>21</u>	<u>the state of the school?</u>
<u>03:35:53</u>	<u>22</u>	<u>A. Day-to-day decision making, administration,</u>
<u>03:36:01</u>	<u>23</u>	<u>different people and their roles at the school, things</u>
<u>03:36:09</u>	<u>24</u>	<u>that civil rights that were being violated with the</u>
<u>03:36:13</u>	<u>25</u>	<u>students. There was a number of things. I would have</u>

03:38:17	1	wrong year or the wrong time.
03:38:19	2	Q. Okay. Where would you look at to refresh your
03:38:22	3	recollection?
03:38:23	4	A. I'd have to go back to my emails or my phone
03:38:26	5	or -- to find out the exact date.
03:38:29	6	Q. Did you have emails with people about this
03:38:32	7	meeting leading up to it?
03:38:35	8	A. Well, yeah, that's how communication -- yeah,
03:38:39	9	phone calls, emails, text messages.
03:38:43	10	Q. Okay. And what did you specifically raise at
03:38:50	11	this meeting -- well, did you just give me a list of the
03:38:56	12	issues that you raised with Ms. Trammell-Johnson at the
03:39:00	13	meeting?
03:39:00	14	A. You said did I just give you a list? Yeah, I
03:39:02	15	just rattled off some things, yes.
03:39:05	16	Q. <u>Okay. And what was her reaction or response?</u>
<u>03:39:10</u>	<u>17</u>	<u>A. She was receptive. She was listening and she</u>
03:39:14	18	took notes.
03:39:15	19	Q. <u>Okay. Did she say anything to you that you</u>
<u>03:39:18</u>	<u>20</u>	<u>felt she wasn't -- well, did she say anything to you</u>
<u>03:39:22</u>	<u>21</u>	<u>like, You shouldn't have called this meeting -- did she</u>
<u>03:39:26</u>	<u>22</u>	<u>say anything to you, You shouldn't have called this</u>
<u>03:39:28</u>	<u>23</u>	<u>meeting?</u>
<u>03:39:29</u>	<u>24</u>	<u>A. Not at all.</u>
<u>03:39:30</u>	<u>25</u>	<u>Q. Okay. Did she, in any way, admonish you for</u>

03:39:36	1	<u>having brought the issues forward?</u>
<u>03:39:39</u>	2	A. <u>Admonish me for bringing the issues forward?</u>
<u>03:39:42</u>	3	<u>No.</u>
03:39:43	4	Q. Did she ever tell you that you shouldn't have
03:39:48	5	complained about these things to her?
03:39:50	6	A. No, not at all.
03:39:53	7	Q. <u>Do you feel that she -- do you believe that</u>
03:39:57	8	she retaliated against you for bringing any of these
03:40:01	9	issues forward?
03:40:06	10	A. I can't really say. I don't know. I can't
03:40:10	11	answer that question. I don't know.
03:40:12	12	Q. Okay.
03:40:13	13	A. I thought she was receptive, but again,
03:40:16	14	actions speak louder than words, so the simple fact that
03:40:20	15	it all happened, the top.
03:40:26	16	Q. Do you have any information that she did
03:40:28	17	retaliate against you for bringing these things forward?
03:40:32	18	A. I never said she did.
03:40:34	19	Q. Right. And I'm just asking if you have any
03:40:37	20	information that she did?
03:40:39	21	A. <u>No, I can't say that I do.</u>
03:40:44	22	Q. Okay. And did you -- well, do you believe
03:40:58	23	that anyone at the school district besides -- anyone
03:41:06	24	besides Mr. Scott and Ms. Sifuentes specifically
03:41:10	25	retaliated against you for bringing forward any of the

03:41:14	1	concerns or complaints that you've raised in your legal
03:41:17	2	complaint?
03:41:19	3	A. I wouldn't know. I only worked with Scott and
03:41:25	4	Sifuentes on a regular basis, so I wasn't down town. I
03:41:30	5	don't know. I'm sure there was discussion about me.
03:41:37	6	I've heard certain things, but I can't -- I haven't
03:41:41	7	heard anyone -- no one has spoken to me and said
03:41:46	8	anything.
03:41:47	9	Q. <u>Okay. So do you have any information or</u>
03:41:50	10	<u>belief that anyone besides Mr. Scott and Ms. Sifuentes</u>
03:41:55	11	<u>retaliated against you for bringing forward the concerns</u>
03:41:59	12	<u>listed in your Complaint?</u>
03:42:01	13	A. <u>No, could be but I only have knowledge -- I'm</u>
03:42:05	14	<u>only speaking to what I have listed in my Complaint.</u>
03:42:08	15	Q. Okay. Just now you mentioned that you heard
03:42:12	16	certain things about this, about you.
03:42:14	17	What are those certain things that you've
03:42:17	18	heard?
03:42:21	19	A. Things that, you know, that Mr. McKinney is
03:42:30	20	not -- he's not going to go along with all of the
03:42:37	21	different things that -- some of the things that don't
03:42:41	22	make sense that the District sets forth and just
03:42:47	23	different things of that nature.
03:42:51	24	Q. Anything else that you've heard?
03:42:54	25	A. No.

03:42:56	1	Q. And who did you hear this from, that
03:43:02	2	Mr. McKinney is not going to go along with things?
03:43:07	3	A. I can't recall.
03:43:07	4	Q. Okay. When did you hear this?
03:43:09	5	A. Just over a period of time. I don't have a
03:43:13	6	specific date.
03:43:15	7	Q. Okay. Did you hear this from people at the
03:43:19	8	District?
03:43:23	9	A. People who worked down at the District, yeah,
03:43:26	10	who may have spoken to other people that I know that
03:43:30	11	have related things.
03:43:31	12	Q. Okay. Can you recall anyone specifically?
03:43:34	13	A. I can't recall anyone at this time.
03:43:50	14	Q. So going back to the violations to students'
03:43:52	15	right that you brought forward, are those -- I'm trying
03:44:07	16	to do this as expeditiously as possible.
03:44:11	17	Are those issues the ones that are raised in
03:44:15	18	your -- specifically identified in your Complaint?
03:44:21	19	A. Yes.
03:44:22	20	Q. <u>Okay. So looking at paragraph 27 of your</u>
<u>03:44:31</u>	<u>21</u>	<u>complaint, it references that "You reported to</u>
<u>03:44:37</u>	<u>22</u>	<u>Ms. Sifuentes and Mr. Scott, the truancy specialist</u>
<u>03:44:39</u>	<u>23</u>	<u>Alberta Smith, was hitting children"?</u>
<u>03:44:43</u>	<u>24</u>	A. <u>Correct.</u>
03:44:44	25	Q. Okay. Where did Ms. Smith work?

04:11:22	1	break.
04:11:23	2	What do you think, Sonya, like ten minutes
04:11:25	3	probably, and then we can finish up the day?
04:11:30	4	MS. MEHTA: Yes.
04:11:31	5	Can we get a time check too, and then are you
04:11:33	6	planning to take the whole seven hours or are you
04:11:38	7	planning to end at five.
04:11:42	8	MR. LOWRY: Let's go off the record so that
04:11:42	9	the court reporter doesn't have to take all of this
04:11:42	10	down.
04:11:43	11	THE VIDEOGRAPHER: Going off the record at
04:11:44	12	4:11 p.m.
04:11:45	13	(Recess taken.)
04:20:10	14	THE VIDEOGRAPHER: We are back on the record
04:20:11	15	at 4:20 p.m.
04:20:13	16	BY MR. LOWRY:
04:20:14	17	Q. <u>Mr. McKinney, also in your Complaint, you</u>
04:20:17	18	<u>reported to -- you alleged that you reported to</u>
04:20:24	19	<u>Ms. Sifuentes and Mr. Scott that a teacher was reporting</u>
04:20:28	20	<u>to school late and intoxicated and threatening to</u>
04:20:32	21	<u>assault students.</u>
04:20:34	22	<u>Do you remember that allegation?</u>
04:20:36	23	A. <u>Yes.</u>
04:20:39	24	Q. Okay. Who was that teacher?
04:20:43	25	A. I believe his name was Robert Woods, maybe.

04:20:52	1	Maybe I have the first --
04:20:55	2	MS. MEHTA: Don't worry. I'm fixing it.
04:20:59	3	THE WITNESS: Maybe I have his first name
04:21:02	4	wrong, but I believe his last name was woods -- oh,
04:21:06	5	Jesse. Jesse Woods.
04:21:08	6	BY MR. LOWRY:
04:21:09	7	Q. <u>Okay. And what did you report?</u>
04:21:17	8	A. <u>Exactly what you just stated, that he would</u>
04:21:21	9	<u>come to -- I don't know if he would come to school</u>
04:21:29	10	<u>initially late, but what I was reporting is that he</u>
04:21:32	11	<u>would leave school at lunch time, and he would come back</u>
04:21:35	12	<u>with alcohol on his breath, so he was obviously -- he</u>
04:21:40	13	<u>was drinking alcohol, so he was intoxicated to some</u>
04:21:44	14	<u>degree.</u>
04:21:45	15	<u>And how I would know is because he's late for</u>
04:21:52	16	<u>class, and they radio me like, Mr. McKinney, we have</u>
04:21:56	17	<u>no -- we have no coverage for -- I forget what room he</u>
04:22:02	18	<u>had upstairs -- no coverage for his room. I'm like,</u>
04:22:06	19	<u>Okay, is he coming? Where is he? And I look out my</u>
04:22:10	20	<u>window because out my window, I could see the whole</u>
04:22:12	21	<u>parking lot and I don't see his car is there.</u>
04:22:13	22	<u>So I'd have to find coverage, we'd have to</u>
04:22:16	23	<u>have coverage for that, so that's how I would know he's</u>
04:22:19	24	<u>late. And then when I would intercept him, and he's</u>
04:22:22	25	<u>coming in the building, I could smell the alcohol.</u>

04:22:26	1	<u>So, yes, reported that, so that's one. Yes,</u>
04:22:30	2	<u>he did threaten a student in class. A student recorded</u>
04:22:43	3	<u>it and brought it to me, and I sent it to Mr. Scott and</u>
04:22:51	4	<u>played it for him and Vanessa. He threatened the</u>
04:22:59	5	<u>student. He went on a tirade in the classroom, and then</u>
04:23:03	6	<u>he threatened the student saying that he would beat him</u>
04:23:08	7	<u>up and do all of this different stuff to him. And then</u>
04:23:11	8	<u>when it came down to it, he would just say that it was</u>
04:23:15	9	<u>self-defense, the kid hit him first. And the kid had</u>
04:23:21	10	<u>all of this recorded on his phone, and he brought it to</u>
04:23:26	11	<u>me, and I turned it over to them.</u>
04:23:28	12	Q. So did you -- did you take the recording
04:23:32	13	yourself?
04:23:33	14	A. I'm sorry?
04:23:35	15	Q. Did you save that recording?
04:23:39	16	A. Do I still have it saved?
04:23:41	17	Q. Yeah.
04:23:41	18	A. I may have it. I do have to go look in my
04:23:45	19	files.
04:23:45	20	Q. <u>Okay. Why -- was it your job to remedy that</u>
04:23:55	21	<u>or respond to that?</u>
04:23:57	22	A. <u>Yeah, absolutely because those are the</u>
04:24:00	23	<u>day-to-day things that go on at the school. It's a</u>
04:24:05	24	<u>safety thing. It's what they call SRO with radio. We</u>
04:24:12	25	<u>don't have coverage, so yeah, anything that comes up is</u>

04:24:15	1	<u>under my jurisdiction to try to remedy.</u>
04:24:20	2	Q. <u>Okay. So it was your job to remedy this. How</u>
04:24:23	3	<u>did you remedy the fact this teacher was coming to</u>
04:24:27	4	<u>school intoxicated, you believe?</u>
04:24:29	5	A. <u>I turned it over to Mr. Scoot and let him</u>
04:24:35	6	<u>know.</u>
04:24:35	7	Q. <u>Why didn't you do anything yourself?</u>
04:24:38	8	A. <u>I did do something. I turned it over -- I</u>
04:24:40	9	<u>reported it to my supervisor.</u>
04:24:42	10	Q. Okay. And what did he say?
04:24:45	11	A. He said he would handle it, and I also handed
04:24:47	12	over the tape, the video, to him as well.
04:24:52	13	Q. <u>And what happened?</u>
04:24:55	14	A. <u>Eventually, I believe -- he was still there</u>
04:24:59	15	<u>for a while and I believe eventually he -- I don't know.</u>
04:25:02	16	<u>To tell you the truth, I don't even know. He ended</u>
04:25:06	17	<u>up -- after a while, he was no longer there, but there</u>
04:25:09	18	<u>was no follow-up, so I don't know if he was released, if</u>
04:25:13	19	<u>he left on his own recognizance. I don't know what</u>
04:25:17	20	<u>happened.</u>
04:25:18	21	Q. So you don't -- do you know what Mr. Scott did
04:25:21	22	with the information?
04:25:23	23	A. He never told me about anything. I had to go
04:25:26	24	back to him a second time. I had told him once and
04:25:29	25	nothing was done, and then maybe about another month or

04:25:34	1	so after that, I went back and told him again. And then
04:25:38	2	that's when -- the second time when I went back is when
04:25:41	3	I had to go tape.
04:25:41	4	The first time I went was when I was telling
04:25:45	5	him about him coming to school late and intoxicated.
04:25:46	6	The second time is when I went, and when I got the tape,
04:25:50	7	that reminds me of, Yeah, what happened the first time
04:25:55	8	about what went on the first time I told you about him
04:25:58	9	coming to school late and intoxicated, that sort of
04:26:01	10	thing. And so then -- yeah, so, yeah. That's what
04:26:09	11	happened.
04:26:10	12	Q. Okay. And was Ms. Sifuentes there also when
04:26:14	13	you told Mr. Scott about both of these incidents?
04:26:19	14	A. I know she was there for the second one when I
04:26:22	15	handed over the tape, and I made mention to what
04:26:25	16	happened the first time. So I'm sure she definitely was
04:26:29	17	aware of the tape.
04:26:32	18	Q. You okay?
04:26:34	19	A. I'm good.
04:26:36	20	Q. Let me know if you can't -- the -- so did
04:26:46	21	either of them, in any way, tell you that they didn't
04:26:52	22	want you bringing forward that a teacher was intoxicated
04:26:55	23	at school?
04:26:58	24	A. No, sir.
04:26:59	25	<u>Q. Did either of them say anything that they</u>

04:27:01	1	<u>didn't want you to raise that issue with them?</u>
04:27:06	2	A. <u>No.</u>
04:27:06	3	Q. <u>Okay. Did either of them, in any way, chide</u>
04:27:09	4	<u>you for bringing this issue up?</u>
04:27:16	5	A. <u>Did they chide me?</u>
04:27:18	6	Q. <u>Yes.</u>
04:27:19	7	A. <u>Like tease me?</u>
04:27:23	8	Q. <u>No, like scold you?</u>
04:27:28	9	A. <u>Oh. Um, no, they didn't scold me, but one</u>
04:27:32	10	<u>thing I can say is that whenever I would report</u>
04:27:37	11	<u>something to Mr. Scott and/or Vanessa about teachers,</u>
04:27:42	12	<u>ironically what would happen with now that teacher is,</u>
04:27:51	13	<u>now they became my adversary all of a sudden, right.</u>
04:27:59	14	So like there was an incident -- there was
04:28:01	15	some stuff with a teacher named Ms. Hane. There was an
04:28:04	16	incident with someone named Jesse Woods. I had to
04:28:07	17	reprimand another teacher Mr. -- couple other teachers,
04:28:16	18	and then now, come to find out, is that those teachers
04:28:19	19	have formed together a little coalition to get rid of me
04:28:25	20	and tell Vanessa and Scott, We need to get rid of him.
04:28:31	21	And so that's what -- so, you know, again, the
04:28:37	22	reluctance into or not even say a reluctance because I
04:28:44	23	did it anyway because it was my job to do, but just
04:28:48	24	being aware of that when I reported something to them, I
04:28:52	25	immediately made an enemy in that person because it's

04:30:27	1	A. I believe, correct, because I believe that
04:30:30	2	Mr. Scott fed the flame because of all the things I
04:30:39	3	would bring -- not only Mr. Scott but Vanessa as well --
04:30:44	4	all of the things that I would bring up that were wrong.
04:30:51	5	I didn't have very many, over my career,
04:30:55	6	things being written up for things that I have done that
04:31:00	7	are wrong. Those things only started when Mr. Scott
04:31:05	8	became a principal and Vanessa became the director at
04:31:05	9	McClymonds. That's when these false writeups came. I
04:31:09	10	don't have a history of writeups of doing wrong things
04:31:13	11	in over 25 years of being an educator, so these things
04:31:18	12	just popped up when they were there.
04:31:20	13	And so, yes, do I -- that they helped flame or
04:31:27	14	because I'm not doing anything necessarily wrong, Okay,
04:31:29	15	well, let's use the teachers to help make complaints to
04:31:34	16	get rid of him. So, yes, do I think that all of that
04:31:37	17	was in retaliation mode, absolutely.
04:31:41	18	Q. <u>Okay. So do you think that -- it's your</u>
04:31:44	19	<u>belief that Mr. Scott and Ms. Sifuentes told teachers</u>
04:31:49	20	<u>about concerns you raised about them so that the</u>
04:31:53	21	<u>teachers would make Complaints against you?</u>
04:31:56	22	A. <u>It happened, yes.</u>
04:31:58	23	Q. <u>Okay. Do you have any evidence of that?</u>
04:32:04	24	A. <u>I just gave you a person who over -- who</u>
04:32:10	25	<u>routinely overheard conversations about these types of</u>

04:32:14	1	<u>things.</u>
04:32:15	2	Q. <u>Okay. And what's this custodian's name?</u>
04:32:22	3	A. <u>William Bennett.</u>
04:32:27	4	Q. <u>And he told you that he overheard these other</u>
04:32:32	5	<u>teachers saying that Mr. Scott and Ms. Sifuentes had</u>
04:32:40	6	<u>told them that you had complained about their behavior</u>
04:32:44	7	<u>or work?</u>
04:32:46	8	A. <u>No, not that Scott -- not the Scott or</u>
04:32:50	9	<u>Sifuentes piece, but he overheard the teachers saying,</u>
04:32:56	10	<u>Yeah, he overheard them routinely meeting and saying</u>
04:33:03	11	<u>things like, Yeah, we need to -- we need to report it to</u>
04:33:07	12	<u>them. You would have to ask him specifically because</u>
04:33:13	13	<u>I'm paraphrasing what he had told me on a couple of -- a</u>
04:33:17	14	<u>few occasions.</u>
04:33:21	15	But, yes, he's overheard them, for lack of a
04:33:25	16	better word, plotting to get together so that they could
04:33:30	17	make complaints about me.
04:33:37	18	Q. <u>Okay. Did you report that to anyone?</u>
04:33:44	19	A. <u>No.</u>
04:33:46	20	Q. <u>Did you tell Mr. Scott and Ms. Sifuentes that</u>
04:33:51	21	<u>you had heard that these teachers were conspiring to</u>
04:33:55	22	<u>complain about you?</u>
04:33:57	23	A. <u>No, I did not.</u>
04:33:58	24	Q. Why not?
04:33:59	25	A. What good would that have done?

04:37:09	1	haven't been written up for rarely anything in 25 years,
04:37:13	2	but now all of a sudden when these two become my
04:37:19	3	supervisors, I'm written up for arbitrary things that
04:37:19	4	aren't even proven. And then whenever you written up
04:37:23	5	for me, which we're going to get to you, I'm sure, is
04:37:27	6	not even in my personnel file. So you're asking me, Do
04:37:31	7	I think there is retaliation? Absolutely.
04:37:33	8	Q. <u>Well, I know you think there is retaliation.</u>
04:37:37	9	<u>I'm just trying to figure out how you're connecting that</u>
04:37:39	10	<u>to the group of teachers that you believe banded against</u>
04:37:43	11	<u>you because based on what you told me, all of those</u>
04:37:46	12	<u>teachers would have known about you bringing complaints</u>
04:37:51	13	<u>about them forward, correct, in any event, regardless of</u>
04:37:55	14	<u>what Mr. Scott or Ms. Sifuentes did?</u>
04:37:59	15	A. <u>Correct.</u>
04:38:02	16	Q. Okay. Going back to the issue with Alberta
04:38:11	17	Smith that we talked about a little bit earlier, do you
04:38:15	18	have a recollection of not providing Mr. Scott with the
04:38:19	19	student's name.
04:38:26	20	A. Do I have a recollection of not providing him
04:38:27	21	with the student's name?
04:38:32	22	Q. Yes?
04:38:33	23	A. I told him who it was.
04:38:37	24	Q. You told them who the student was?
04:38:40	25	A. Yes.

04:41:14	1	same thing.
04:41:15	2	Q. <u>Okay. And when you brought that incident to</u>
<u>04:41:18</u>	<u>3</u>	<u>the attention of Mr. Scott, and Ms. Sifuentes, you were</u>
<u>04:41:26</u>	<u>4</u>	<u>doing that in the course of your duties as assistant</u>
<u>04:41:29</u>	<u>5</u>	<u>principal, correct?</u>
<u>04:41:31</u>	<u>6</u>	A. <u>Correct.</u>
04:41:32	7	Q. Okay. Did you ever do anything -- regarding
04:41:53	8	the drunk or the intoxicated teacher every, did you ever
04:41:58	9	do anything to follow up with Mr. Scott to find out what
04:42:01	10	happened with that teacher?
04:42:03	11	A. Yeah, that's what I previously stated. I said
04:42:06	12	I never -- I never -- there was never any follow up on
04:42:10	13	his part about any of it.
04:42:13	14	Q. But eventually the teacher was no longer
04:42:16	15	there?
04:42:16	16	A. Yeah, after some months.
04:42:19	17	Q. Did you ever ask him what happened, ask
04:42:20	18	Mr. Scott what happened?
04:42:25	19	A. I can't recall specifically asking him what
04:42:28	20	happened, no.
04:42:29	21	Q. Okay. Because it was an issue that you were
04:42:34	22	concerned about, correct?
04:42:36	23	A. Correct, but months had gone by and nothing is
04:42:40	24	being said to me about anything, things just remained
04:42:43	25	the same. A new school year rolled around, and he's

04:42:47	1	still at the school.
04:42:49	2	Q. And once he was gone, did you ever ask
04:42:51	3	Mr. Scott what happened?
04:42:54	4	A. I did not.
04:42:55	5	Q. Did you ever -- did you ever do anything to
04:42:57	6	try to find out if he had been released because of the
04:43:01	7	complaints you made or what?
04:43:04	8	A. No, I would think there would have been some
04:43:07	9	follow up to the report that I had made initially.
04:43:12	10	Q. <u>Okay. Again, you were reporting the incident</u>
04:43:17	11	<u>with the intoxicated teacher, when you reported that, to</u>
04:43:20	12	<u>Mr. Scott and Ms. Sifuentes, you were also doing that</u>
04:43:26	13	<u>pursuant to your job duties; is that correct?</u>
04:43:30	14	A. <u>Along with him threatening a student, to beat</u>
04:43:32	15	<u>up a student, yes.</u>
04:43:35	16	Q. Okay. Did you ever report that incident to
04:43:37	17	anyone outside of the District?
04:43:40	18	A. No.
04:43:41	19	Q. Okay. Did you ever report that -- I guess I
04:43:47	20	should say this incident to anyone besides Mr. Scott and
04:43:50	21	Ms. Sifuentes?
04:43:55	22	A. No.
04:43:55	23	Q. Okay.
04:44:04	24	MR. LOWRY: Why don't we stop for today.
04:44:07	25	MS. MEHTA: Okay.

1 CERTIFICATE OF REPORTER

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I certify that the foregoing proceedings in the within-entitled cause were reported at the time and place therein named; that said proceedings were reported by me, a duly Certified Shorthand Reporter of the State of California, and were thereafter transcribed into typewriting; and that before completion of the proceedings, review of the transcript was requested.

I further certify that I am not of counsel or attorney for either or any of the parties to said cause of action, nor in any way interested in the outcome of the cause named in said cause of action.

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of November 2021.

Cari Gonzaga

CARI GONZAGA, CSR No. 12401

Certified Shorthand Reporter

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

---oOo---

CLEVELAND McKINNEY,

Plaintiff,

CASE No. 3:20-cv-06792-JSC

vs.

OAKLAND UNIFIED SCHOOL
DISTRICT; VANESSA
SIFUENTES; JAROD SCOTT;
and DOES 1 through 10,

VOLUME II
PAGES 243 - 520

Defendants.

_____/

REMOTE VIDEOCONFERENCE VIDEOTAPED

CONTINUED DEPOSITION OF

CLEVELAND McKINNEY

SEPTEMBER 23, 2021

NOTICING ATTORNEY: ETHAN M. LOWRY, ESQ.

REPORTED BY: KATY LEONARD, CSR No. 11599

WEST COAST REPORTERS
117 Paul Drive, Suite A
San Rafael, California 94903
(415) 472-2361 * (800) 979-2361
Fax (415) 472-2371

	1	for you is if you have any evidence that those were
	2	done because you brought up this concern about
	3	Alberta Smith?
09:10:25	4	A. Yeah. That is the evidence. It's one
	5	incident -- it's one thing after another that
	6	occurs. And so, yes. So, they all are linked
	7	together.
09:10:33	8	Q. Okay.
09:10:34	9	Do you have any documents or other
	10	evidence showing specifically that bringing up
	11	Alberta Smith resulted in those write-ups or
	12	demotions?
09:10:48	13	A. Absolutely. There was another incident
	14	where Ms. -- excuse me -- Ms. Smith claimed that she
	15	was entitled to a summer school position and she --
	16	which led to her making agreements, which you
	17	alluded to yesterday about grievances. So, yes, all
	18	of that plays a part.
09:11:20	19	Q. <u>Have you ever seen anything that</u>
	20	<u>specifically states that you were written up or</u>
	21	<u>demoted because you brought forward this concern</u>
	22	<u>about Ms. Smith?</u>
09:11:30	23	A. <u>About Ms. Smith particularly, no.</u>
09:11:33	24	Q. <u>Have you ever -- has anyone ever told you</u>
	25	<u>that they have any information that you were written</u>

	1	<u>up or demoted because you brought forward this</u>
	2	<u>concern about Ms. Smith?</u>
<u>09:11:48</u>	3	A. No.
09:11:50	4	Q. Regarding Mr. Woods -- we discussed him
	5	yesterday as well, the teacher who you allege came
	6	to work intoxicated; correct?
09:12:00	7	A. And late and threatened a student, yes.
09:12:02	8	Q. Okay.
09:12:02	9	And you brought that forward to Mr. Scott
	10	and Ms. Sifuentes; correct?
09:12:07	11	A. Correct.
09:12:12	12	Q. And apart from the fact that the write-ups
	13	and the demotions occurred, do you have any evidence
	14	that those occurred because you brought forward this
	15	concern about Mr. Woods?
09:12:20	16	A. Again, it's all in line -- all these
	17	different things are little -- are different things
	18	<u>that are in line with when I bring it up. So, yes,</u>
	19	<u>they all are together, again.</u>
<u>09:12:35</u>	20	Q. <u>So, you're basing this solely on the fact</u>
	21	<u>that these write-ups and demotions occurred that you</u>
	22	<u>believe they're connected to you bringing up</u>
	23	<u>Mr. Woods?</u>
<u>09:12:43</u>	24	A. <u>Not only Mr. Woods --</u>
<u>09:12:45</u>	25	<u>MS. MEHTA: Objection. Vague.</u>

09:12:46	1	Go ahead.
09:12:47	2	THE WITNESS: Yeah. Not only Mr. Woods,
	3	but all of the different things that are listed.
	4	It's Mr. Woods, Ms. Alberta, the untrue write-ups,
	5	the water, the coolers, the -- the relationships I
	6	had with students, parents, and the community.
09:13:05	7	So, it's all those things. It's not just
	8	one thing. It's a combination of all of those
	9	different things that we -- again, like I said
	10	yesterday, are tied together, all the issues that I
	11	have brought up that ever not dealt with properly
	12	and people being held accountable for.
09:13:23	13	So, yes, are those things that they wanted
	14	to write me up for certain things that are not true
	15	that were documented that weren't true? Yes.
	16	They're all tied together.
09:13:37	17	BY MR. LOWRY:
09:13:37	18	Q. Are you aware of any documents or evidence
	19	this specifically state that you were written up or
	20	demoted because you brought forward your concerns
	21	about Ms. Woods?
09:13:51	22	A. No.
09:13:51	23	Q. <u>Are you aware of any witness who has any</u>
	24	<u>information that you were specifically written up or</u>
	25	<u>demoted because you brought forward concerns about</u>

	1	<u>Mr. Woods?</u>
<u>09:14:01</u>	2	<u>A. No.</u>
09:14:14	3	Q. Going back to the -- your First Amended
	4	Complaint in paragraph 30 -- so referring to
	5	Exhibit 2 -- I'll put a share screen on this
	6	again -- so, paragraph 30(c).
09:14:55	7	You refer to a teacher threatening to
	8	assault a student and then filed false claims
	9	against that student.
09:15:01	10	Is that also regarding -- that's what we
	11	discussed yesterday about Mr. Woods; is that
	12	correct?
09:15:08	13	A. Correct.
09:15:08	14	Q. Okay.
09:15:11	15	Paragraph 30, subparagraph B, of your
	16	complaint, you refer to the fact that you brought
	17	forward a teacher's sexual harassment of a female
	18	Muslim student; is that correct?
09:15:24	19	A. Correct.
09:15:25	20	Q. All right. Who was the teacher?
09:15:33	21	A. I believe it's -- I want to say it's in
	22	the document. It's -- I can't recall his name at
	23	the moment. He taught -- I want to say he taught an
	24	algebra class upstairs on the third floor, African
	25	American male. His name escapes me. It's been

	1	years. But we can definitely -- his name can
	2	definitely be found.
09:16:09	3	Q. <u>Okay.</u>
09:16:12	4	<u>How did you -- well, you reported that to</u>
	5	<u>Ms. Sifuentes and Ms. Scott -- correct? -- I'm</u>
	6	<u>sorry -- Mr. Scott?</u>
09:16:21	7	A. <u>Yes, Mr. Scott, but Ms. Sifuentes was part</u>
	8	<u>of the meetings.</u>
09:16:27	9	Q. <u>Okay.</u>
09:16:27	10	<u>And you brought this up in the meeting</u>
	11	<u>that you had with the two of them?</u>
09:16:31	12	A. <u>Correct.</u>
09:16:32	13	Q. <u>And were you bringing this up pursuant to</u>
	14	<u>your job duties?</u>
09:16:36	15	A. <u>Absolutely.</u>
09:16:37	16	Q. And you were concerned that this teacher
	17	had in some way sexually harassed female Muslim
	18	students?
09:16:44	19	A. That's what the students stated and
	20	brought forth to me; correct.
09:16:49	21	Q. Okay.
09:16:49	22	Did you do anything to investigate that?
09:16:52	23	A. Absolutely.
09:16:53	24	Q. What did you do?
09:16:54	25	A. I spoke with the students on numerous

	1	you brought this up?
09:18:26	2	A. I brought it up to them once they --
	3	they -- when the students made me aware of it. It's
	4	documented. I'm not sure what year or what date it
	5	was. It's in the documents.
09:18:38	6	Q. <u>Did Ms. Sifuentes ever tell you that you</u>
	7	<u>shouldn't have brought this forward?</u>
09:18:43	8	A. <u>Did Ms. Sifuentes tell me that I shouldn't</u>
	9	<u>bring a sexual assault case forward? No.</u>
09:18:50	10	<u>She would never tell me that.</u>
09:18:51	11	Q. <u>Okay.</u>
09:18:52	12	<u>Did she ever tell you that she was upset</u>
	13	<u>that you brought it forward?</u>
09:18:54	14	A. <u>No.</u>
09:18:55	15	<u>She would never tell me that.</u>
09:18:57	16	Q. <u>Did she ever tell you anything to make you</u>
	17	<u>think that she didn't want you to bring that</u>
	18	<u>forward?</u>
09:19:02	19	A. <u>No.</u>
09:19:02	20	<u>She would never tell me that.</u>
09:19:04	21	Q. <u>Did Mr. Scott ever tell you he didn't want</u>
	22	<u>you to bring that forward?</u>
09:19:08	23	A. <u>No.</u>
09:19:08	24	They didn't tell me, but I just want to
	25	say like I aforementioned yesterday -- actions speak

	1	louder than words.
09:19:14	2	And so, a lot of times people don't have
	3	to tell you something, their actions -- so, when
	4	you've spoken and told them something and no action
	5	is taken, they're speaking loud and clear.
09:19:24	6	Q. So, Mr. Scott, then, never said anything
	7	to you that made you think you shouldn't bring it
	8	forward?
09:19:30	9	A. Nor did he do anything when they told him
	10	<u>initially, which is the reason why they brought it</u>
	11	<u>to me.</u>
09:19:39	12	Q. Did you tell Mr. Scott that these students
	13	had brought it forward to him previously?
09:19:44	14	A. Yes, I did.
09:19:46	15	Q. Okay.
09:19:47	16	And do you know what he did after it was
	17	brought to his attention?
09:19:55	18	A. Not much.
09:19:55	19	The teacher was still there for a while,
	20	and the students continued to be subjugated to
	21	enough harassment where they continuously came back
	22	to me. And then, I want to say they stopped going
	23	to class.
09:20:20	24	Q. <u>Do you know what eventually happened to</u>
	25	<u>the teacher?</u>

09:20:22	1	A. <u>Well, eventually, after enough pressure</u>
	2	<u>was put on and the students wrote letters to the</u>
	3	<u>superintendent and wrote letters to the community</u>
	4	<u>and wrote letters to City Council and made it a</u>
	5	<u>public issue that something -- honestly, something</u>
	6	<u>had to be done. So, the teacher was then removed,</u>
	7	<u>therefore, after.</u>
09:20:38	8	Q. Do you know who removed the teacher?
09:20:43	9	A. I mean, he works for Oakland School
	10	District, so obviously coming from Oakland School
	11	District human resources department.
09:20:50	12	Q. <u>Do you know if Mr. Scott was involved in</u>
	13	<u>having him removed?</u>
09:20:53	14	A. <u>Do I know if Mr. Scott was involved in</u>
	15	<u>having him removed? No, I do not.</u>
09:20:59	16	Initially, no. Initially, no, he wasn't.
09:21:01	17	Q. What do you base that on?
09:21:03	18	A. I base that on the -- how many times the
	19	students had to come back to me and boycott class
	20	and not going because nothing had been done.
09:21:15	21	Q. How many times did the students come back
	22	to you?
09:21:17	23	A. Several.
09:21:19	24	Q. How many times is "several"?
09:21:22	25	A. I can't recall how many times -- exactly

	1	you -- their ask was, Mr. McKinney, can you help us?
	2	Can you help us with this, because Mr. Scott is not
	3	doing anything? Can you help us move this along?
09:23:38	4	Q. And so, your response was to go to
	5	Mr. Scott?
09:23:41	6	A. Absolutely.
09:23:42	7	Q. Okay.
09:23:44	8	Was any of it your job to do the
	9	investigation yourself?
09:23:47	10	A. No.
09:23:48	11	Q. Why not?
09:23:50	12	A. Well, I did some. I got the information
	13	from the young ladies, and I passed it on to
	14	Mr. Scott. So, yes, I did do my investigation.
09:23:57	15	Q. Okay.
09:24:02	16	Did you have the students, like, prepare
	17	statements?
09:24:06	18	A. I did not. I -- that would have been
	19	something that Mr. Scott and the District and
	20	however they want to handle it. That would have
	21	been in their realm.
09:24:14	22	Q. <u>Okay.</u>
<u>09:24:14</u>	<u>23</u>	<u>So, as far as you're concerned, your duty</u>
	<u>24</u>	<u>was only to take this information and give it to</u>
	<u>25</u>	<u>Mr. Scott?</u>

09:24:21	1	A. <u>At the time, yes.</u>
09:24:22	2	Q. Okay.
09:24:24	3	Did Mr. Scott ever ask you to do anything
	4	further on it?
09:24:27	5	A. No.
09:24:27	6	Q. Okay.
09:24:38	7	<u>Well, are you aware of any evidence or</u>
	8	<u>documents stating that you were ever written up or</u>
	9	<u>demoted because you brought forward this concern?</u>
<u>09:24:51</u>	<u>10</u>	<u>A. No.</u>
<u>09:24:52</u>	<u>11</u>	<u>Q. Are you aware of any witnesses who have</u>
	<u>12</u>	<u>any information that you were written up or demoted</u>
	<u>13</u>	<u>for bringing forward this concern about a teacher</u>
	<u>14</u>	<u>sexually harassing Muslim students?</u>
<u>09:25:03</u>	<u>15</u>	<u>A. I'm not aware, no.</u>
09:25:20	16	Q. <u>Going back to your complaint, in</u>
	<u>17</u>	<u>paragraph 30(d), you mention that you brought</u>
	<u>18</u>	<u>forward a concern about a teacher shooting dice and</u>
	<u>19</u>	<u>gambling with students?</u>
<u>09:25:31</u>	<u>20</u>	<u>A. Yes.</u>
<u>09:25:32</u>	<u>21</u>	<u>Q. Who was that teacher?</u>
<u>09:25:36</u>	<u>22</u>	<u>A. I believe his -- it's in the documents</u>
	<u>23</u>	<u>also. So, if I'm incorrect, it's in the documents.</u>
	<u>24</u>	<u>Olson is his last name, I believe.</u>
<u>09:25:55</u>	<u>25</u>	<u>Q. Okay.</u>

09:25:56	1	<u>And what -- who did you report that to?</u>
<u>09:26:01</u>	<u>2</u>	A. <u>Mr. Scott.</u>
<u>09:26:02</u>	<u>3</u>	Q. <u>Did you report that to Ms. Sifuentes?</u>
<u>09:26:05</u>	<u>4</u>	A. <u>She was -- again, Ms. Sifuentes was part</u>
	<u>5</u>	<u>of the meetings.</u>
09:26:11	6	Q. Do you remember when you reported this to
	7	them?
09:26:16	8	A. It's in the documents. I don't remember
	9	the date. I'm sorry.
09:26:26	10	Q. Okay.
09:26:27	11	And what was your understanding of what
	12	occurred?
09:26:33	13	A. I walked in, and he was on the floor,
	14	gambling and shooting dice, with money and dice on
	15	the floor with the children, with the students.
09:26:43	16	Q. And did you report that to Mr. Scott?
09:26:45	17	A. I did.
09:26:46	18	Q. And you believe that Mr. Olson was
	19	actively engaged in playing dice?
09:26:52	20	A. I witnessed it.
09:26:57	21	Q. <u>Okay.</u>
<u>09:26:58</u>	<u>22</u>	<u>When you brought that forward, did</u>
	<u>23</u>	<u>Mr. Scott say anything to you that you shouldn't</u>
	<u>24</u>	<u>have brought this to him?</u>
<u>09:27:04</u>	<u>25</u>	A. <u>No.</u>

09:27:04	1	<u>He didn't say that I shouldn't have</u>
	2	<u>brought it to him. However, there was another time</u>
	3	<u>later when he came to me my office and he walked in</u>
	4	<u>on the same thing. He told me he walked in on the</u>
	5	<u>same thing.</u>
09:27:19	6	Q. Okay.
09:27:20	7	And what did -- what did he tell you about
	8	that?
09:27:22	9	A. Exactly what I just said. He walked in
	10	and said -- I walked in -- you're right. I walked
	11	in on Mr. Olson. His words were similar to, This
	12	joker was sitting on the floor, shooting dice with
	13	the kids.
09:27:37	14	Q. So, he was unhappy that Mr. Olson was
	15	doing that?
09:27:40	16	A. Well, I don't -- I can't tell you how he
	17	felt, but he came in, in a joking manner, explaining
	18	it to me.
09:27:48	19	Q. A joking manner?
09:27:49	20	A. Yes.
09:27:49	21	Q. So, do you not believe he took that issue
	22	seriously?
09:27:55	23	A. I mean, that was your question, so I'm --
	24	it seems like that -- yes.
09:28:00	25	Q. Okay.

09:28:01	1	Why do you believe it was a joking manner?
09:28:04	2	A. Because he came in jokingly. He came in
	3	and said, And I walked in, and this joker was on the
	4	floor, shooting dice with the kids, just like you
	5	said.
09:28:14	6	Q. And did he say --
09:28:16	7	A. The money is on the floor. So, I mean, it
	8	couldn't have been used for educational purposes.
09:28:24	9	Q. <u>Did he say that he was gonna take any</u>
	10	<u>further actions?</u>
<u>09:28:28</u>	11	<u>A. Yes. He -- absolutely, he said he was.</u>
09:28:33	12	Q. And do you know what he did?
09:28:39	13	A. I do not. I know that the teacher
	14	remained there for quite a while. Matter of fact,
	15	he remained there for over a year, I want to say.
09:28:48	16	Q. <u>Did Ms. Sifuentes -- well, yeah -- did</u>
	17	<u>Ms. Sifuentes ever say anything to you that she</u>
	18	<u>didn't want you to bring this issue forward?</u>
<u>09:28:59</u>	19	<u>A. No.</u>
<u>09:29:00</u>	20	<u>Q. Did she say that you shouldn't have</u>
	21	<u>brought this issue to her and Mr. Scott?</u>
<u>09:29:04</u>	22	<u>A. No.</u>
09:29:10	23	Q. <u>Do you have any evidence or documents that</u>
	24	<u>you were written up or demoted for bringing this</u>
	25	<u>issue forward to Ms. Sifuentes and Mr. Scott?</u>

09:29:19	1	A. <u>No.</u>
09:29:19	2	Q. <u>Do you have any witnesses who have any</u>
	3	<u>information that you were written up or demoted for</u>
	4	<u>bringing this issue of a teacher shooting dice,</u>
	5	<u>forward to Ms. Sifuentes and Mr. Scott?</u>
<u>09:29:33</u>	6	A. <u>No.</u>
09:29:33	7	Q. Did you ever ask Mr. Scott what else he
	8	had done to follow up on it.
09:29:45	9	A. In the midst of -- and during meetings,
	10	when we have meetings, that's where information is
	11	shared about teachers, students, situations, past,
	12	present, upcoming. And my understanding was that
	13	Mr. Olson was being kept because we didn't have
	14	anyone else to teach the class.
09:30:12	15	The District didn't -- couldn't provide
	16	anyone else to teach the class. It's like we have
	17	many classes that were unfilled with teachers --
	18	core classes, that went the whole year or a semester
	19	or a month without teachers, but yet, we still just
	20	gave out arbitrary grades.
09:30:36	21	So, to answer your question, nothing
	22	was -- I mean, anytime something is reported
	23	about -- that's the actual point. That's one the
	24	points I'm making, because I'm advocating for our
	25	students' education and their enrichment.

09:30:54	1	They're not getting it when we don't have
	2	students that are -- when we don't have teachers
	3	that are present on a daily basis, when we have
	4	teachers that are sexually harassing students, when
	5	we have teachers that are gambling in the classroom
	6	with students, when we have teachers that are
	7	threatening students, when we have teachers that are
	8	coming to school intoxicated, that is not an
	9	atmosphere or an environment for learning.
09:31:19	10	So, was -- ultimately, all of those
	11	things, yes, they led to me -- them demoting me or
	12	firing me because I'm holding someone -- someone has
	13	to be held accountable for that.
09:31:31	14	Q. My question is if you ever followed up
	15	with Mr. Scott about --
09:31:35	16	A. Yes. We -- and my answer is, yes, we
	17	followed up with these things in meetings all the
	18	time.
09:31:40	19	Q. And what did he tell you?
09:31:42	20	A. Again, actions speak louder than words.
	21	The teacher remained there. He taught at McClymonds
	22	for over a year. So, he was not removed. So, he
	23	didn't have to tell me anything. The actions show
	24	that nothing is being done.
09:31:55	25	Q. <u>Do you know why he was removed?</u>

09:32:00	1	A. <u>Eventually, do I know why he was removed?</u>
	2	<u>I mean, we just laid out a bunch of reasons why he</u>
	3	<u>could have been removed. I'm not even sure that he</u>
	4	<u>had his credentials. So, I mean, it could have been</u>
	5	<u>an assortment of things why he was removed. I'm not</u>
	6	<u>sure.</u>
09:32:15	7	Q. <u>Do you know if Mr. Scott was involved in</u>
	8	<u>removing him?</u>
09:32:18	9	A. <u>He should have been.</u>
09:32:19	10	Q. <u>I'm asking if you know whether or not he</u>
	11	<u>was.</u>
09:32:22	12	A. <u>I do not.</u>
09:32:22	13	Q. Okay.
09:32:30	14	Did you ever report this to anyone else at
	15	the District?
09:32:33	16	A. Ms. Vanessa. Ms. Sifuentes.
09:32:36	17	Q. Yeah. Apart from two of them, did you
	18	ever report this --
09:32:38	19	A. Those are the only people that I would --
	20	Mr. Scott and Ms. Sifuentes are the only two people,
	21	as an assistant principal, that I would report
	22	something to other than Kyla.
09:32:50	23	Q. Okay.
09:32:50	24	Did you --
09:32:51	25	A. As it's not in the chain of command for me

	1	shooting dice with students, did she do or say
	2	anything to make you believe that she was in any way
	3	upset with or annoyed with you because you had
	4	reported it to her?
09:35:10	5	A. Not that I recall.
09:35:11	6	Q. Okay.
09:35:11	7	<u>And you were reporting this -- the</u>
	8	<u>incident with Mr. Olson and the dice as part of your</u>
	9	<u>job duties; correct?</u>
<u>09:35:56</u>	<u>10</u>	<u>A. Correct.</u>
09:35:56	11	Q. Okay.
09:36:02	12	Was it in any way your job to follow up on
	13	that or do an investigation?
09:36:07	14	A. No.
09:36:08	15	Q. Why not?
09:36:08	16	A. I wasn't asked to. Once I reported it and
	17	I alerted -- or, let Mr. Scott know, then it was in
	18	his hands.
09:36:17	19	Q. Okay.
09:36:23	20	<u>And Mr. Scott was independently aware that</u>
	21	<u>Mr. Olson was engaging in this behavior; is that</u>
	22	<u>correct?</u>
<u>09:36:28</u>	<u>23</u>	<u>A. Correct.</u>
09:36:28	24	Q. Okay.
09:36:28	25	<u>Mr. Scott was also independently aware</u>

	1	<u>that these students were being sexually harassed by</u>
	2	<u>the other teacher; is that correct?</u>
09:36:40	3	A. Correct.
09:36:58	4	Q. Turning to -- well, we'll mark this
	5	Exhibit 3.
09:37:02	6	MR. LOWRY: I'll put this in the shared
	7	chat, and I'll do a share screen on it.
09:37:07	8	(Whereupon Defendants' Exhibit 3
09:37:07	9	was marked for identification.)
09:37:29	10	BY MR. LOWRY:
09:37:29	11	Q. Have you seen this email before,
	12	Mr. McKinney?
09:37:32	13	A. I possibly could have, yes.
09:37:34	14	Q. All right. This is Bates-stamped
	15	OUSD 701.
09:37:41	16	This is an email from Mr. Scott to
	17	Mr. Olson, dated 2/23/18; correct?
09:37:46	18	A. Correct.
09:37:47	19	Q. All right. And in this email, Mr. Scott
	20	is stating that it's been reported that dice games
	21	are taking place in his class?
09:38:05	22	A. And -- yes. And it also says students are
	23	reporting. Yes, correct.
09:38:08	24	Q. Okay.
09:38:09	25	And then it says "It is imperative for the

	1	shooting dice with students?
09:44:16	2	A. No.
09:44:16	3	Q. Okay.
09:44:41	4	<u>Complaint E, you reference that you</u>
	5	<u>brought forward a concern that a Spanish teacher</u>
	6	<u>admitted that he could not speak Spanish; correct?</u>
09:44:49	7	A. <u>Correct.</u>
09:44:50	8	Q. <u>Who was that teacher?</u>
09:44:53	9	A. <u>It's in the documents. His name escapes</u>
	10	<u>me.</u>
09:44:55	11	Q. <u>Okay.</u>
09:44:57	12	<u>When did he state that he could not speak</u>
	13	<u>Spanish?</u>
09:45:03	14	A. <u>He stated it all along while he was there,</u>
	15	<u>just in conversations. He made it known that he's</u>
	16	<u>not a Spanish teacher, he doesn't speak Spanish. He</u>
	17	<u>was just put in the classroom just to have a teacher</u>
	18	<u>in there.</u>
09:45:18	19	I want to say he even did an interview on
	20	KQED, where he said -- where they were doing -- they
	21	were interviewing him about the state of --
	22	something that happened at McClymonds, and he said
	23	that he's a Spanish teacher, and he doesn't speak
	24	Spanish.
09:45:36	25	Q. Okay.

	1	and our community.
09:50:28	2	Q. So, thank you for that. My question --
09:50:32	3	A. You're welcome.
09:50:33	4	<u>Q. -- was, when did you report this Spanish</u>
	5	<u>teacher who couldn't speak Spanish to Mr. Scott and</u>
	6	<u>Ms. Sifuentes?</u>
<u>09:50:42</u>	7	<u>A. In the meetings.</u>
09:50:43	8	When they hire the teachers, they know --
	9	it's not about me reporting it. When they hire --
	10	when the District hires, or places, these teachers,
	11	they know immediately when they come in that they're
	12	not qualified.
09:50:58	13	Q. Okay. So --
09:50:59	14	A. When you walk -- they're the ones who --
	15	they're the ones who place the teachers at our
	16	school; right? We have to have the highest rate of
	17	turnover for teachers in the District, not to
	18	mention unqualified teachers.
09:51:22	19	So, the District knows that we are -- we
	20	don't have qualified teachers. The District knows
	21	that we don't have teachers that are teaching --
	22	that are qualified and that are teaching our
	23	students -- or the lack thereof, teaching our
	24	students. So, it's common knowledge; right?
09:51:47	25	So, when they come to our school, we

	1	already know that they're not qualified. So, it's
	2	not about me having to tell Mr. Scott. He already
	3	knows when they get there that they're not
	4	qualified.
09:51:59	5	<u>Q. Okay.</u>
09:51:59	6	<u>So, did you report this to him?</u>
09:52:05	7	<u>A. It's been -- it was in discussion. It's</u>
	8	<u>not something that I report to him that this teacher</u>
	9	<u>is not qualified. We know that he's not qualified</u>
	10	<u>because, when he comes in, we've seen his -- his</u>
	11	<u>profile, so we know his profile already.</u>
09:52:20	12	<u>Q. Okay. So --</u>
09:52:22	13	<u>A. So, it hasn't been --</u>
09:52:24	14	<u>Q. -- you weren't giving -- you weren't</u>
	15	<u>giving Mr. Scott any information he didn't already</u>
	16	<u>have?</u>
09:52:30	17	<u>A. Exactly.</u>
09:52:30	18	<u>Q. Okay.</u>
09:52:32	19	<u>You weren't giving Ms. Sifuentes any</u>
	20	<u>information she didn't already have about this?</u>
09:52:36	21	<u>A. Exactly. But what I -- but what I did do</u>
	22	<u>it ask, Why do we have these kinds of teachers here</u>
	23	<u>at our school, when we know that they are not</u>
	24	<u>helping our students?</u>
09:52:49	25	They're not qualified to be here. That

	1	wouldn't happen at a Hill school. That wouldn't
	2	happen at an all-white school.
09:52:57	<u>3</u>	<u>Q. When you asked about this, what did</u>
	<u>4</u>	<u>Mr. Scott say?</u>
09:53:03	<u>5</u>	<u>A. I mean, he didn't really have much</u>
	<u>6</u>	<u>answers.</u>
09:53:07	<u>7</u>	<u>Q. Did he -- did he scold you for bringing it</u>
	<u>8</u>	<u>to his attention?</u>
09:53:12	<u>9</u>	<u>A. Scold me? No.</u>
09:53:14	<u>10</u>	<u>Q. Did he tell you, you shouldn't bring this</u>
	<u>11</u>	<u>up?</u>
09:53:17	<u>12</u>	<u>A. No.</u>
09:53:18	<u>13</u>	<u>Q. Did he tell you he was annoyed that you</u>
	<u>14</u>	<u>told him about it?</u>
09:53:21	<u>15</u>	<u>A. Did he tell me he was annoyed? No.</u>
09:53:24	16	Q. Do you believe he was annoyed?
09:53:26	17	A. Probably.
09:53:27	18	Q. Based on what?
09:53:30	19	A. His actions.
09:53:31	20	Q. Which were?
09:53:33	21	A. Nil to none.
09:53:34	22	Q. Okay.
09:53:34	23	So, he didn't do anything?
09:53:36	24	A. Correct.
09:53:38	25	Q. All right.

09:53:39	1	A. The teacher remained there for semesters.
	2	Not only did that teacher, other teachers remained
	3	there for semesters that are underqualified. Not
	4	only that, we have -- we have subject matters that
	5	don't have teachers.
09:53:53	6	So, when it's time for those kids to go to
	7	those classrooms and have those classes, they're out
	8	there in that classroom with no supervision, which
	9	is also a violation, or they're split up, put into
	10	another classroom, which disrupts the classroom that
	11	those other students are in. So, then, that
	12	disrupts that learning.
09:54:16	13	<u>Q. Did Ms. Sifuentes ever tell you she didn't</u>
	14	<u>want you to tell her about this?</u>
09:54:20	15	<u>A. Did she tell me she did not want me to</u>
	16	<u>tell her that we didn't have under- that we had</u>
	17	<u>underqualified -- no, she did not say that.</u>
09:54:29	18	<u>Q. Did she say that she was annoyed that you</u>
	19	<u>brought this up to her?</u>
09:54:31	20	<u>A. Did she say that? No.</u>
09:54:34	21	<u>Q. Okay.</u>
09:54:34	22	Did you report this concern to anyone
	23	besides Mr. Scott and Ms. Sifuentes?
09:54:42	24	A. Again, that's who I would have reported
	25	anything to. No matter what it is, it's to

	1	different things that I bring to the forefront to
	2	show what is going wrong at our school. And it is
	3	not received well.
09:56:04	4	So, yes, do I think that this is another
	5	situation that led to my demotion, wrongful firing?
	6	Yes.
09:56:16	7	Q. And do you have any documents or evidence
	8	that state that that was the reason -- bringing this
	9	forward was the reason that you received write-ups
	10	or demotions?
09:56:26	11	A. All the documents that have been submitted
	12	is what I have.
09:56:28	13	Q. Okay.
09:56:28	14	<u>And have you ever seen a document in it --</u>
	15	<u>where in the document it says "Cleveland McKinney</u>
	16	<u>was written up or demoted because he brought forward</u>
	17	<u>this concern"?</u>
09:56:38	18	<u>A. No, sir.</u>
09:56:38	19	Q. Okay.
09:56:39	20	<u>Are you aware of any witness who has</u>
	21	<u>information that the reason you were written up or</u>
	22	<u>demoted was specifically because you brought this</u>
	23	<u>concern forward?</u>
09:56:50	24	<u>A. No, sir.</u>
09:56:50	25	Q. Okay. Okay.

09:57:00	1	<u>Do you know what eventually happened with</u>
	2	<u>the Spanish teacher?</u>
09:57:09	3	<u>A. After he was there for some time, he was</u>
	4	<u>eventually replaced. He was there a while. He was</u>
	5	<u>eventually replaced, I believe, at the beginning of</u>
	6	<u>the next year, after he had already been there a</u>
	7	<u>whole year.</u>
09:57:28	8	With his semesters and -- that's a long --
	9	that's a whole year of kids not learning Spanish.
	10	So, if you have Spanish I, and you've gone the whole
	11	year and haven't learned Spanish I, but then the
	12	following year you're put into Spanish II, you have
	13	no chance of succeeding.
09:57:57	14	And that's true with all the other
	15	subjects. If you're in algebra I, you have -- and
	16	you don't even have a teacher that's there on a
	17	regular basis, you have no chance of being
	18	successful for algebra II and then for geometry, and
	19	then for chemistry and for all the different things
	20	that follow after that if you don't have a
	21	foundation. A foundation for our kids is not being
	22	provided, and nothing is being done about it.
09:58:24	23	<u>O. In paragraph 30(f), you refer to the fact</u>
	24	<u>that you brought forward an extreme mice</u>
	25	<u>infestation?</u>

09:58:32	<u>1</u>	A. <u>Yes.</u>
09:58:34	2	Q. When did you do that?
09:58:37	3	A. On a regular basis. It's something that
	4	is known throughout the whole school that we have an
	5	extreme mice infestation.
09:58:46	6	Q. Okay.
09:58:46	7	So, it was a commonly known fact that that
	8	was a problem at McClymonds?
09:58:52	9	A. Absolutely.
09:58:53	10	Q. And do you -- Mr. Scott was aware of this
	11	independent of you bringing it forward?
09:59:03	12	A. Absolutely, yes. He was aware, yes.
09:59:39	13	(Pause in proceedings)
09:59:39	14	BY MR. LOWRY:
09:59:40	15	Q. As far as the mice infestation goes, when
	16	did you complain to Mr. Scott about this?
09:59:52	17	A. I'm not sure of the dates, but it's in the
	18	documents.
09:59:54	19	Q. Okay.
09:59:55	20	And when you say "it's in the documents,"
	21	were there emails?
09:59:57	22	A. Yes.
09:59:58	23	Q. Okay.
10:00:03	<u>24</u>	<u>Did you ever -- did you also complain to</u>
	<u>25</u>	<u>Ms. Sifuentes about this?</u>

10:00:06	<u>1</u>	<u>A. She was a part of the meeting. She was</u>
	<u>2</u>	<u>aware.</u>
10:00:08	3	Q. Okay.
10:00:08	<u>4</u>	<u>Did either of them, Ms. Sifuentes or</u>
	<u>5</u>	<u>Mr. Scott, ever tell you that you shouldn't be</u>
	<u>6</u>	<u>bringing forward this concern about mice at</u>
	<u>7</u>	<u>McClymonds?</u>
<u>10:00:19</u>	<u>8</u>	<u>A. No.</u>
<u>10:00:20</u>	<u>9</u>	<u>Q. Did either of them tell you that they were</u>
	<u>10</u>	<u>annoyed that you brought it forward?</u>
<u>10:00:26</u>	<u>11</u>	<u>A. No.</u>
<u>10:00:26</u>	<u>12</u>	<u>Q. Did either of them tell that you, you</u>
	<u>13</u>	<u>shouldn't bring complaints about mice to their</u>
	<u>14</u>	<u>attention?</u>
<u>10:00:32</u>	<u>15</u>	<u>A. No.</u>
10:00:33	16	Q. Did you complain about this to anyone
	17	else?
10:00:41	18	A. I mean, our custodian, who also has a
	19	separate -- he has -- it's kind of like he has
	20	two -- a couple of sets of supervisors. I'm over
	21	facilities, so I would be one of his supervisors, of
	22	course. Obviously, Mr. Scott would be one. And
	23	then he has one for, I guess, custodial. I don't
	24	know if custodial -- I can't remember if it falls
	25	under buildings and grounds or M&O. Maybe M&O.

	1	similarly to how I've answered this same line of
	2	questions before, yes. It's another issue that I'm
	3	raising that needs to be taken care of for someone
	4	to be held accountable for.
10:02:36	5	So, yes, is it annoying to them? Are they
	6	upset about it if Mr. McKinney is bringing yet
	7	another issue that we need to handle? So, yes.
	8	Again, yes.
10:02:48	9	Q. Okay.
10:02:49	10	<u>Well, why -- what's the basis that you</u>
	11	<u>believe they were annoyed, apart from the fact that</u>
	12	<u>you think they were?</u>
10:02:57	13	<u>A. I've just explained it to you.</u>
10:03:00	14	<u>Q. So, it's your assumption that because you</u>
	15	<u>brought forward this concern, they were annoyed by</u>
	16	<u>it?</u>
10:03:06	17	<u>A. Correct. Not only this one, but all the</u>
	18	<u>ones that I -- all the claims that -- that we have</u>
	19	<u>documented in the documents already.</u>
10:03:15	20	Q. Okay.
10:03:21	21	Did anyone ever tell you that Mr. Scott or
	22	Ms. Sifuentes was annoyed that you brought this
	23	forward?
10:03:26	24	A. Did anyone tell me that? No.
10:03:27	25	Q. Okay.

10:03:28	1	Did you ever see a document, an email, a
	2	note -- anything stating that Mr. Scott and
	3	Ms. Sifuentes were annoyed that you had brought
	4	forward the concerns about mice in the building?
10:03:39	5	A. No.
10:03:39	6	Q. Okay.
10:03:40	7	Do you know what Mr. Scott did to remedy
	8	the mouse situation?
10:03:44	9	A. Do I know what he did to remedy the mouse
	10	situation?
10:03:48	11	Q. Yeah.
10:03:48	12	A. He may have done some things at different
	13	points of time. So, you may see an email here or
	14	there, or different things where he's chimed in.
10:03:59	15	Q. Okay.
10:04:00	16	And in those emails, was he trying to get
	17	the problem fixed?
10:04:06	18	A. Probably.
10:04:07	19	<u>Q. Okay.</u>
<u>10:04:07</u>	20	<u>So, why do you believe that you were</u>
	21	<u>retaliated against for bringing this forward if</u>
	22	<u>Mr. Scott then went ahead and tried to fix the</u>
	23	<u>problem?</u>
<u>10:04:17</u>	24	<u>A. So, again, this isn't -- this isn't the --</u>
	25	<u>this isn't the only issue that I'm speaking about</u>

	<u>1</u>	<u>regarding the retaliation. This is one of many.</u>
<u>10:04:27</u>	<u>2</u>	<u>Q. But I'm asking specifically as to this</u>
	<u>3</u>	<u>one, why do you believe that you were retaliated</u>
	<u>4</u>	<u>against for bringing it up?</u>
<u>10:04:35</u>	<u>5</u>	<u>A. So, again, this is one of many. This</u>
	<u>6</u>	<u>isn't something that's just specific to the</u>
	<u>7</u>	<u>retaliation. He may have helped or lent a hand in</u>
	<u>8</u>	<u>this area, but this is not the sole claim for what</u>
	<u>9</u>	<u>I'm speaking of regarding the retaliation.</u>
<u>10:04:53</u>	<u>10</u>	<u>Q. Okay.</u>
<u>10:04:55</u>	<u>11</u>	<u>Have you ever seen -- well, are you aware</u>
	<u>12</u>	<u>of any documents or evidence that specifically state</u>
	<u>13</u>	<u>that you were written up or demoted because you</u>
	<u>14</u>	<u>brought forward the mice infestation issue?</u>
<u>10:05:07</u>	<u>15</u>	<u>A. I would never be written up for something</u>
	<u>16</u>	<u>like that, no.</u>
<u>10:05:10</u>	<u>17</u>	<u>Q. Okay.</u>
<u>10:05:10</u>	<u>18</u>	<u>And are you aware of any witnesses with</u>
	<u>19</u>	<u>any information that, in fact, you were written up</u>
	<u>20</u>	<u>or demoted because you brought forward the mice</u>
	<u>21</u>	<u>infestation issue?</u>
<u>10:05:20</u>	<u>22</u>	<u>A. No.</u>
<u>10:05:21</u>	<u>23</u>	<u>Q. Okay.</u>
<u>10:05:30</u>	<u>24</u>	<u>MS. MEHTA: Can we take a five-minute</u>
	<u>25</u>	<u>break?</u>

10:05:33	1	MR. LOWRY: Sure.
10:05:34	2	THE VIDEOGRAPHER: Going off the record at
	3	10:05 a.m.
10:05:37	4	(Off the record from 10:05 a.m.
10:05:37	5	until 10:17 a.m.)
10:11:02	6	THE VIDEOGRAPHER: All right. We are back
	7	on record at 10:17 a.m.
10:17:58	8	BY MR. LOWRY:
10:17:58	<u>9</u>	<u>Q. Mr. McKinney, the concerns about mice in</u>
	<u>10</u>	<u>the buildings at McClymonds, those were part of your</u>
	<u>11</u>	<u>job duties; right?</u>
<u>10:18:09</u>	<u>12</u>	<u>A. Yes.</u>
<u>10:18:11</u>	<u>13</u>	<u>Q. That's under facilities?</u>
<u>10:18:12</u>	<u>14</u>	<u>A. Yes.</u>
<u>10:18:16</u>	<u>15</u>	<u>Q. Okay.</u>
<u>10:18:16</u>	<u>16</u>	<u>So, it was part of your job to help</u>
	<u>17</u>	<u>remediate that?</u>
<u>10:18:21</u>	<u>18</u>	<u>A. To help, yes.</u>
<u>10:18:21</u>	<u>19</u>	<u>Q. Okay.</u>
<u>10:18:23</u>	<u>20</u>	<u>What was your job duties as far as that</u>
	<u>21</u>	<u>went?</u>
<u>10:18:27</u>	<u>22</u>	<u>A. It was -- when it was reported to me, to</u>
	<u>23</u>	<u>help facilitate the rem- -- to help facilitate the</u>
	<u>24</u>	<u>remediation of the mice infestation.</u>
10:18:39	25	Q. Okay.

10:18:40	1	And how did you do that?
10:18:42	2	A. By alerting -- letting my administrative
	3	colleague know and by letting the custodian -- the
	4	head custodian and the custodians know. And then,
	5	in turn, they -- the custodian's piece was he would
	6	reach out to his field or his supervisors.
10:19:08	7	Q. Okay.
10:19:09	8	<u>And were actions taken to remedy the mice?</u>
<u>10:19:14</u>	9	<u>A. Yes. Actions were taken to remedy the</u>
	10	<u>mice, yes.</u>
10:19:19	11	Q. Okay.
10:19:19	12	What were those?
10:19:21	13	A. Traps were put out. Traps were put out.
	14	I'd have to look back at the paperwork on some of
	15	the things. I know that they would put traps in
	16	classrooms, or rooms.
10:19:44	17	But ultimately, what was told to me was
	18	that we -- you know, the mice infestation, because
	19	the building was so old, that it would have to go a
	20	major -- almost like a "smoke-out" of the building,
	21	so to speak, in order to eliminate all of the mice
	22	hibernation in the walls and in the building. And
	23	that would be very expensive.
10:20:19	24	Q. Okay.
10:20:25	25	Did you advocate for doing that?

10:24:00	1	A. Correct.
10:24:01	2	Q. Have you seen this email before?
10:24:02	3	A. I have.
10:24:02	4	Q. Okay.
10:24:03	5	And in this email, it looks like Mr. Scott
	6	is raising concerns about the mice at McClymonds; is
	7	that correct?
10:24:11	8	A. Correct.
10:24:11	9	Q. Okay.
10:24:12	10	And he's asking for help to remedy the
	11	situation; correct?
10:24:15	12	A. In this email, yes.
10:24:17	13	Q. Okay.
10:24:17	14	<u>So, do you -- why do you believe that</u>
	15	<u>Mr. Scott or Ms. Sifuentes would then be upset with</u>
	16	<u>you or retaliate against you for raising the</u>
	17	<u>concerns?</u>
<u>10:24:31</u>	18	<u>A. Because it's a -- this is -- my situation</u>
	19	<u>is a continual thing; right? It's not just a</u>
	20	<u>one-time email thing, and then you can say, Oh, I</u>
	21	<u>shot an email out. I'm done and -- I'm done. It's</u>
	22	<u>an ongoing thing; right? So, if mice traps are put</u>
	23	<u>out and it doesn't resolve the issue, then we need</u>
	24	<u>to go to the next step.</u>
10:24:50	25	And that's what I would do into these

	1	meetings, and that's what would be annoying to
	2	them -- right? -- because I'm continually holding --
	3	someone has to be accountable for us to come to
	4	school and us not being able to -- have to work
	5	under these conditions, the students have to be
	6	there under these conditions. Teachers not coming
	7	to work. Mice droppings on their desk every day,
	8	the cafeteria being shut; right?
10:25:22	9	So, one email has to be followed up, and
	10	that's what I would do in these meetings. It would
	11	be followed up. Okay, it's good? He sent this one
	12	email. Great, but what else can be done? What else
	13	are we doing?
10:25:32	14	Can -- are we continually staying and
	15	making sure that these issues are being met? Not
	16	just a one-time email or a two-time email; right?
10:25:41	17	So, those are the things that they would
	18	be annoyed at me for.
10:25:46	19	Q. But they never told you they were annoyed;
	20	correct.
10:25:50	21	A. Well, their actions showed it.
10:25:52	22	<u>Q. How did their actions show that they were</u>
	23	<u>annoyed?</u>
10:25:54	24	<u>A. Well, one huge thing there that happened</u>
	25	<u>was that I was -- I started being excluded from</u>

	<u>1</u>	<u>meetings; right?</u>
<u>10:26:00</u>	<u>2</u>	<u>And then even the meetings that I would</u>
	<u>3</u>	<u>have with them, after we met, they would have their</u>
	<u>4</u>	<u>own little two-person powwow without me. So, I</u>
	<u>5</u>	<u>would be excluded from that meeting.</u>
<u>10:26:20</u>	<u>6</u>	<u>Q. Okay.</u>
<u>10:26:20</u>	<u>7</u>	<u>What meetings were you excluded from?</u>
<u>10:26:21</u>	<u>8</u>	<u>A. The meetings I just spoke of -- these</u>
	<u>9</u>	<u>meetings that would occur when they would have their</u>
	<u>10</u>	<u>own two -- they would have their own meetings.</u>
<u>10:26:26</u>	<u>11</u>	<u>So, generally, when administrators have a</u>
	<u>12</u>	<u>meeting, obviously, they all -- we all meet</u>
	<u>13</u>	<u>together; right? But we would meet, us -- maybe us</u>
	<u>14</u>	<u>three, and then they would have their own meeting,</u>
	<u>15</u>	<u>or they would have several -- they would have</u>
	<u>16</u>	<u>several separate meetings with just them that I</u>
	<u>17</u>	<u>would not be a part of.</u>
<u>10:26:46</u>	<u>18</u>	<u>Q. Okay.</u>
<u>10:26:46</u>	<u>19</u>	<u>And you believe -- are there any documents</u>
	<u>20</u>	<u>of evidence showing the reason that you were</u>
	<u>21</u>	<u>excluded from these meetings was because you brought</u>
	<u>22</u>	<u>forward the mice concerns?</u>
<u>10:27:00</u>	<u>23</u>	<u>A. No. There's no documents. There aren't</u>
	<u>24</u>	<u>any documents that say that, no.</u>
<u>10:27:05</u>	<u>25</u>	<u>Q. Okay.</u>

10:27:05	1	Are you aware of anyone who has
	2	information that the reason you were excluded from
	3	these meetings was because you brought forward the
	4	mice concerns?
10:27:15	5	A. I -- yes. It was kind of knowledge that
	6	Mr. Scott and Ms. Sifuentes were not fond of me, and
	7	they would have separate meetings aside from me and
	8	make decisions without me.
10:27:28	9	Q. Well, I'm asking if there's anyone who can
	10	speak to that?
10:27:34	11	A. There are witnesses that can speak to
	12	that, I'm sure, if questioned, yes.
10:27:38	13	Q. And are there witnesses who have specific
	14	information that the reason you were excluded from
	15	meetings was because you brought forward mice
	16	concerns?
10:27:46	17	A. Mice concerns in addition to all the other
	18	concerns at school, like -- so, the teacher concerns
	19	and all the other things that are listed, yes.
10:27:52	20	Q. Okay.
10:27:52	21	<u>And there's someone who says, I know -- I</u>
	22	<u>have information -- I know that the reason Cleveland</u>
	23	<u>was excluded from these meetings was because he</u>
	24	<u>brought forward the mice concerns?</u>
<u>10:28:03</u>	<u>25</u>	<u>A. I'm sure if you ask that question -- I'm</u>

	<u>1</u>	<u>sure there are people that can say yes to that.</u>
<u>10:28:07</u>	<u>2</u>	<u>Q. Okay.</u>
<u>10:28:07</u>	<u>3</u>	<u>A. Not only just that, but, like I said, all</u>
	<u>4</u>	<u>other concerns as well.</u>
<u>10:28:11</u>	<u>5</u>	<u>Q. And who are those people?</u>
<u>10:28:13</u>	<u>6</u>	<u>A. I'm not sure. You would have to go</u>
	<u>7</u>	<u>through a list or make up a list -- get a list of</u>
	<u>8</u>	<u>witnesses. But it was common knowledge.</u>
<u>10:28:21</u>	<u>9</u>	<u>Q. Okay.</u>
<u>10:28:21</u>	<u>10</u>	<u>Do you -- can you think of anyone's name</u>
	<u>11</u>	<u>who would have that information?</u>
<u>10:28:26</u>	<u>12</u>	<u>A. Not at this time.</u>
<u>10:28:26</u>	<u>13</u>	<u>Q. Okay.</u>
<u>10:28:43</u>	<u>14</u>	<u>Did you ever ask Mr. Scott or</u>
	<u>15</u>	<u>Ms. Sifuentes why they were having meetings that</u>
	<u>16</u>	<u>didn't include you?</u>
<u>10:28:52</u>	<u>17</u>	<u>A. I did not ask that specific question,</u>
	<u>18</u>	<u>again, because actions speak louder than words,</u>
	<u>19</u>	<u>obviously, again -- right? -- and when our meeting</u>
	<u>20</u>	<u>was over and then I would be excused to leave, they</u>
	<u>21</u>	<u>were excusing me to leave, meaning that they don't</u>
	<u>22</u>	<u>want me to be in that meeting. And so, yeah, that's</u>
	<u>23</u>	<u>the tone and the feeling that I got definitely.</u>
<u>10:29:21</u>	<u>24</u>	<u>Q. Do you know what they were discussing in</u>
	<u>25</u>	<u>those meetings?</u>

10:29:24	<u>1</u>	A. <u>If I was a part of it, I may have known,</u>
	<u>2</u>	<u>but no.</u>
<u>10:29:28</u>	<u>3</u>	Q. <u>Okay.</u>
<u>10:29:28</u>	<u>4</u>	<u>Do you know if it had anything to do with</u>
	<u>5</u>	<u>you?</u>
<u>10:29:30</u>	<u>6</u>	A. <u>I'm sure a lot of it had to do with me.</u>
<u>10:29:32</u>	<u>7</u>	Q. <u>Okay.</u>
<u>10:29:33</u>	<u>8</u>	<u>Do you have any information, like, showing</u>
	<u>9</u>	<u>that?</u>
<u>10:29:38</u>	<u>10</u>	A. <u>That they had meetings that -- where they</u>
	<u>11</u>	<u>discussed me?</u>
<u>10:29:43</u>	<u>12</u>	Q. <u>Yeah.</u>
<u>10:29:44</u>	<u>13</u>	A. <u>I don't have any -- do I have any -- no, I</u>
	<u>14</u>	<u>don't have documents that say that.</u>
10:29:48	15	Q. Okay.
10:29:49	16	And you were their subordinate, correct?
10:29:52	17	A. Correct.
10:29:52	18	Q. So, would you agree that they have the
	19	right to discuss employees who work under them
	20	without those employees present?
10:30:01	21	A. Absolutely. At times, yes, but it should
	22	not be -- not -- not on a regular basis, where I'm
	23	excluded from -- from meetings that I should be
	24	involved in.
10:30:15	25	Q. How do you know you should be involved in

10:31:18	1	Q. What are those?
10:31:18	2	A. I mean, anything that pertains to school.
10:31:21	3	Q. Okay.
10:31:22	<u>4</u>	<u>How do you know what topics were covered</u>
	<u>5</u>	<u>in these meetings?</u>
<u>10:31:27</u>	<u>6</u>	<u>A. Well, they are the issues of the day that</u>
	<u>7</u>	<u>are brought up. So, whatever we're discussing -- if</u>
	<u>8</u>	<u>we're in a meeting and we're discussing something</u>
	<u>9</u>	<u>and there may be a disagreement about something, I'm</u>
	<u>10</u>	<u>sure, once I left, that conversation continued</u>
	<u>11</u>	<u>without me.</u>
<u>10:31:41</u>	<u>12</u>	<u>Q. Okay.</u>
<u>10:31:42</u>	<u>13</u>	<u>But you're basing that entirely on an</u>
	<u>14</u>	<u>assumption on your part; correct?</u>
<u>10:31:46</u>	<u>15</u>	<u>A. And I'm basing that all on how I was</u>
	<u>16</u>	<u>treated, yes.</u>
10:31:49	17	Q. Okay.
10:31:56	18	And when you say based on how you were
	19	treated, you're referring to the write-ups and
	20	demotions?
10:32:00	21	A. Correct.
10:32:01	22	Q. Okay.
10:32:02	<u>23</u>	<u>Anything else?</u>
<u>10:32:05</u>	<u>24</u>	<u>A. And -- I mean, you know, body language.</u>
	<u>25</u>	<u>Mr. Scott and I rarely spoke. And Ms. Sifuentes and</u>

	<u>1</u>	<u>I spoke even less if it wasn't exactly in the</u>
	<u>2</u>	<u>meeting.</u>
10:32:19	3	Q. Okay.
10:32:25	4	Anything else?
10:32:26	5	A. That's it for now.
10:32:27	6	Q. Okay.
10:32:33	<u>7</u>	<u>Do you have any information that they</u>
	<u>8</u>	<u>weren't simply discussing topics between the two of</u>
	<u>9</u>	<u>them, potentially relating to Mr. Scott's</u>
	<u>10</u>	<u>performance?</u>
<u>10:32:42</u>	<u>11</u>	<u>A. I'm sure that there were times that that</u>
	<u>12</u>	<u>happened, yes.</u>
10:32:46	13	Q. Okay.
10:32:46	14	A. She being his supervisor.
10:32:47	15	Q. Okay.
10:33:18	<u>16</u>	<u>So, you also, in your complaint, refer to</u>
	<u>17</u>	<u>paragraph 30, subparagraph G, that you complained</u>
	<u>18</u>	<u>about broken temperature controls resulting in</u>
	<u>19</u>	<u>freezing or 100-degree conditions at the school;</u>
	<u>20</u>	<u>correct?</u>
<u>10:33:39</u>	<u>21</u>	<u>A. Correct.</u>
10:33:40	<u>22</u>	<u>Q. All right. Was that -- being in charge of</u>
	<u>23</u>	<u>facilities, was -- were temperature controls under</u>
	<u>24</u>	<u>your purview?</u>
<u>10:33:53</u>	<u>25</u>	<u>A. Just to monitor the temperature. I mean,</u>

	<u>1</u>	<u>it's not that I'm the person who's responsible for</u>
	<u>2</u>	<u>setting the temperature or I have any physical</u>
	<u>3</u>	<u>control over setting the temperature, so to speak.</u>
<u>10:34:04</u>	<u>4</u>	<u>But when classrooms exceed over 90 to 100</u>
	<u>5</u>	<u>degrees in heat, and then they dip below the</u>
	<u>6</u>	<u>60-degree mark in classrooms, it becomes a problem</u>
	<u>7</u>	<u>for students, obviously, to concentrate and learn in</u>
	<u>8</u>	<u>class.</u>
<u>10:34:22</u>	<u>9</u>	<u>And, also, the teachers and the staff</u>
	<u>10</u>	<u>members begin to start to complain about how hot or</u>
	<u>11</u>	<u>cold it is, and the difference in the temperatures.</u>
	<u>12</u>	<u>So, yeah, that is something that is on my -- is</u>
	<u>13</u>	<u>under my realm, under my radar, that I have to give</u>
	<u>14</u>	<u>attention to. Absolutely.</u>
10:34:46	15	Q. And you complained about this to
	16	Ms. Sifuentes and Mr. Scott?
10:34:49	17	A. They were aware, yes.
10:34:51	18	Q. When did you complain about this to them?
10:34:55	19	A. It's in the -- I'm not sure what the date
	20	is, but it's on a regular basis.
10:35:02	21	Q. And did they ever -- did either of them
	22	ever express to you that they were annoyed that you
	23	had brought this forward?
10:35:09	<u>24</u>	<u>A. Well, it's another -- it's another --</u>
	<u>25</u>	<u>something else; right? This is another issue that</u>

	1	<u>I'm bringing forward. So, yes, every time I bring</u>
	2	<u>forth an issue, they're annoyed.</u>
<u>10:35:19</u>	3	<u>Q. But did they say anything to you that they</u>
	4	<u>were annoyed?</u>
<u>10:35:21</u>	5	<u>A. No.</u>
10:35:22	6	They didn't say, but their actions speak
	7	louder than words in how they react and how -- and
	8	their disposition and -- says that they're annoyed,
	9	yes.
10:35:33	10	Q. Neither of them ever told you not to bring
	11	this forward about the temperature issues at the
	12	school; right?
10:35:39	13	A. Of course not.
10:35:39	14	Q. Okay.
10:35:42	15	What are their actions that you believe
	16	showed that they were annoyed?
10:35:48	17	A. Excluding me from meetings, being
	18	unavailable to talk, you know, saying they're in
	19	meetings with each other. The door always being
	20	closed. Those are all signs of being annoyed and
	21	them not wanting to hear what is being brought
	22	forth.
10:36:14	23	Q. So, the fact that they had meetings
	24	without you leads you to believe that they were
	25	annoyed that you had brought forward broken

	1	temperature controls?
10:36:27	2	A. Absolute- -- well, again, not only
	3	temperature controls, but all the different issues;
	4	right?
10:36:34	5	Q. Did they respond to the concerns about the
	6	temperature controls?
10:36:39	7	A. In some cases, yeah. Because it's not
	8	only me that is saying things now -- right? -- it's
	9	the students. Again, it's the teachers, it's the
	10	staff members complaining how cold it is or maybe
	11	how hot it is in the buildings.
10:36:55	<u>12</u>	<u>Q. So, lots of people were bringing this</u>
	<u>13</u>	<u>forward?</u>
<u>10:36:58</u>	<u>14</u>	<u>A. Correct.</u>
<u>10:36:59</u>	<u>15</u>	<u>Q. Are you aware of anyone else who was</u>
	<u>16</u>	<u>retaliated against for bringing this up?</u>
<u>10:37:03</u>	<u>17</u>	<u>A. No, I'm not.</u>
10:37:04	18	Q. Okay.
10:37:07	19	A. It is one the things for me that I was.
	20	But no.
10:37:10	21	Q. Okay.
10:37:15	<u>22</u>	<u>Are you aware of actions being taken to</u>
	<u>23</u>	<u>remedy that?</u>
<u>10:37:19</u>	<u>24</u>	<u>A. Spearheaded by myself, yes. And I mean --</u>
	<u>25</u>	<u>and the custodians and -- so, yeah. Eventually,</u>

	<u>1</u>	<u>after enough -- so, yes. There were some remedies</u>
	<u>2</u>	<u>that were taken eventually to remedy some of the</u>
	<u>3</u>	<u>things, yes.</u>
10:37:40	4	Q. Okay.
10:37:41	5	And did -- did Ms. Sifuentes or Mr. Scott
	6	ever express to you that they were annoyed that you
	7	had spearheaded fixing that?
10:37:52	8	A. Fixing it, no.
10:37:53	9	Q. Or that you had spearheaded, you know,
	10	getting the temperature control issue sorted out?
10:37:59	11	A. Well, they were annoyed any time I come to
	12	the -- you know, I bring up any issue that is going
	13	to require their attention and to be held
	14	accountable for something. So, yes. Again, yes.
	15	Whenever I would bring up something, there is
	16	annoyment [sic]. They are annoyed.
10:38:18	<u>17</u>	<u>Q. And your -- and the entire basis of your</u>
	<u>18</u>	<u>belief that they were annoyed is that you believe</u>
	<u>19</u>	<u>they began to not include you in certain meetings?</u>
<u>10:38:25</u>	<u>20</u>	<u>A. I mean, and -- and it's -- it's -- and the</u>
	<u>21</u>	<u>level of help -- or support, I should say -- in</u>
	<u>22</u>	<u>remedying a lot of these issues; right?</u>
10:38:39	23	So -- because there are some things that,
	24	as an assistant principal, I do need to go to my
	25	superiors in upper management for help for.

	1	speaking about Ms. Sifuentes and then, my superior,
	2	Mr. Scott.
10:50:44	3	<u>Q. Okay.</u>
10:50:44	4	<u>So, you believe that Ms. Sifuentes's body</u>
	5	<u>language indicated she was upset that you brought</u>
	6	<u>forward concerns about the boiler?</u>
10:50:50	7	<u>A. Not only the boiler. Again, with all the</u>
	8	<u>different things that I would bring forth.</u>
10:50:55	9	Q. All right. What was her body language
	10	that made you think she was annoyed or upset with
	11	you?
10:51:00	12	A. When she would say things to me like --
	13	when she would be in disagreement, she would put it
	14	on that it was my tone when, in fact, it's not my
	15	tone. I wasn't rude. It's just that I'm in
	16	disagreeance [sic] with what -- the decision-making
	17	that's going on.
10:51:23	18	So, it's -- like I said before, it's the
	19	exclusion of meetings, not -- trying to exclude me
	20	from decision-making that's going on, not making me
	21	a part of certain things. Not -- not being
	22	available, closing -- you know, when they were
	23	closing their doors. They're going off to a
	24	different room or a different office to have
	25	conversations without me when, knowingly, I am one

	1	of the administrators that needs to be a part of the
	2	conversation.
10:51:55	3	Making decisions without me, even when it
	4	pertains to me, and come back out and then already
	5	establishing a decision on how things are supposed
	6	to go, when I have no input in it.
10:52:04	7	<u>Q. Okay.</u>
10:52:04	8	<u>So, where in that list of things is body</u>
	9	<u>language?</u>
10:52:09	10	<u>A. Oh, you asked me what -- how did I know,</u>
	11	<u>and I told you, body language.</u>
10:52:14	12	<u>Q. Yeah. And I'm asking what the body</u>
	13	<u>language is.</u>
10:52:17	14	<u>What was the body language?</u>
10:52:19	15	<u>How did she -- how did she present herself</u>
	16	<u>that you believe that she was annoyed that you</u>
	17	<u>brought forward concerns about temperature controls</u>
	18	<u>at McClymonds?</u>
10:52:29	19	<u>A. Again, not only just temperature controls,</u>
	20	<u>but with all issues; right? Facial expressions, you</u>
	21	<u>know, the repositioning of sitting when you're</u>
	22	<u>sitting somewhere -- and the repositioning, deep</u>
	23	<u>breaths.</u>
10:52:51	24	<u>Q. What were her facial expressions that she</u>
	25	<u>made?</u>

<u>10:52:54</u>	<u>1</u>	<u>A. I mean, they're not smiles.</u>
<u>10:53:00</u>	<u>2</u>	<u>Q. What were they?</u>
<u>10:53:02</u>	<u>3</u>	<u>A. I can't -- I can't -- I don't understand</u>
	<u>4</u>	<u>that question. Am I supposed to do her facial</u>
	<u>5</u>	<u>expressions, or am I supposed to imitate her facial</u>
	<u>6</u>	<u>expressions? I don't know.</u>
<u>10:53:11</u>	<u>7</u>	<u>Q. I'm asking you to describe them to me.</u>
<u>10:53:14</u>	<u>8</u>	<u>A. They were facial expressions of not</u>
	<u>9</u>	<u>wanting to be bothered with an issue; right? Facial</u>
	<u>10</u>	<u>expressions of, Here's yet another issue he's</u>
	<u>11</u>	<u>bringing up. Here's something else that we have to</u>
	<u>12</u>	<u>deal with.</u>
<u>10:53:32</u>	<u>13</u>	<u>Q. And what did she specifically do that</u>
	<u>14</u>	<u>regarding?</u>
<u>10:53:36</u>	<u>15</u>	<u>A. When?</u>
<u>10:53:37</u>	<u>16</u>	<u>Q. Yeah. Well, with regards to what concerns</u>
	<u>17</u>	<u>that you brought forward?</u>
<u>10:53:41</u>	<u>18</u>	<u>A. Most of the concerns and during the</u>
	<u>19</u>	<u>meetings.</u>
<u>10:53:44</u>	<u>20</u>	<u>Q. Okay.</u>
<u>10:53:44</u>	<u>21</u>	<u>So, you being that -- well, strike that.</u>
<u>10:53:52</u>	<u>22</u>	<u>So, she didn't smile at you is one of</u>
	<u>23</u>	<u>them?</u>
<u>10:53:57</u>	<u>24</u>	<u>A. It could have been a sarcastic smile.</u>
<u>10:54:00</u>	<u>25</u>	<u>Q. You believe she gave you sarcastic smiles</u>

	<u>1</u>	<u>when you brought forward your concerns?</u>
<u>10:54:07</u>	<u>2</u>	<u>A. Correct.</u>
<u>10:54:07</u>	<u>3</u>	<u>O. Okay.</u>
<u>10:54:08</u>	<u>4</u>	<u>You believe she took deep breaths?</u>
<u>10:54:15</u>	<u>5</u>	<u>A. Being annoyed, deep breaths. Not</u>
	<u>6</u>	<u>collective deep breaths, but deep breaths from being</u>
	<u>7</u>	<u>annoyed.</u>
<u>10:54:24</u>	<u>8</u>	<u>O. Okay.</u>
<u>10:54:26</u>	<u>9</u>	<u>A. Which is the term you used.</u>
<u>10:54:28</u>	<u>10</u>	<u>O. You also mentioned how she sat in her</u>
	<u>11</u>	<u>chair?</u>
<u>10:54:34</u>	<u>12</u>	<u>A. Correct.</u>
<u>10:54:36</u>	<u>13</u>	<u>When someone can get annoyed and then they</u>
	<u>14</u>	<u>continually reposition themselves or -- in a way</u>
	<u>15</u>	<u>where they are, you know, maybe less interested or</u>
	<u>16</u>	<u>not interested in hearing what is being said.</u>
<u>10:54:51</u>	<u>17</u>	<u>O. Did she ever tell you she didn't want to</u>
	<u>18</u>	<u>hear about these problems?</u>
<u>10:54:55</u>	<u>19</u>	<u>A. Again --</u>
<u>10:54:57</u>	<u>20</u>	<u>MR. LOWRY: Asked and answered.</u>
<u>10:54:58</u>	<u>21</u>	<u>Go ahead. Go ahead. You can answer.</u>
<u>10:55:00</u>	<u>22</u>	<u>THE WITNESS: No. I mean, again, it</u>
	<u>23</u>	<u>wasn't said. Again, it's what we're talking about,</u>
	<u>24</u>	<u>in the body language.</u>
<u>10:55:06</u>	<u>25</u>	<u>MR. LOWRY: Okay.</u>

10:55:06	<u>1</u>	<u>BY MR. LOWRY:</u>
<u>10:55:07</u>	<u>2</u>	<u>Q. Do you have any evidence, documents, or</u>
	<u>3</u>	<u>otherwise, that state that the reason you were ever</u>
	<u>4</u>	<u>written up or demoted was because you raised issues</u>
	<u>5</u>	<u>about the temperature controls at McClymonds?</u>
<u>10:55:24</u>	<u>6</u>	<u>A. Well, the "otherwise" is -- I just gave</u>
	<u>7</u>	<u>you body language -- right? -- so, that would</u>
	<u>8</u>	<u>suffice for "otherwise." But, no, there's nothing</u>
	<u>9</u>	<u>in writing that states that.</u>
10:55:34	10	Q. Okay.
10:55:35	11	Are you aware of any person who has
	12	information that the reason you were ever written up
	13	or demoted is because you raised issues about the
	14	heating or temperature controls at McClymonds?
10:55:48	15	A. I'm sure if you ask witnesses that were in
	16	and around the school, they would tell you, yes,
	17	it's because I continuously raised issues that
	18	included temperature controls and facilities,
	19	amongst other things. Yes.
10:56:04	20	Q. And who would those people be?
10:56:07	21	A. We would have to establish a witness list
	22	first, to -- and then ask those witnesses.
10:56:14	23	Q. I'm asking you to establish a witness
	24	list.
10:56:17	25	A. Well, I can't do that at this time, but, I

	1	mean, we could establish one.
10:56:21	2	<u>Q. Okay.</u>
10:56:22	3	<u>So, you can't recall anyone -- you don't</u>
	4	<u>know of anyone right now, as you sit here today, who</u>
	5	<u>would have any information that the reason you were</u>
	6	<u>written up or demoted is because you raised concerns</u>
	7	<u>about temperature controls at McClymonds?</u>
10:56:36	8	<u>A. Well, temperature controls amongst other</u>
	9	<u>things; right? Yes, I'm sure there are plenty of</u>
	10	<u>people. But, again, we would have to sit and</u>
	11	<u>establish a witness list. So, if -- so, if we did</u>
	12	<u>that, I'm sure that there are people that would say</u>
	13	<u>that, yes, because I brought up the different issues</u>
	14	<u>that were going on at the school, which is the</u>
	15	<u>reason.</u>
10:56:58	16	<u>Q. But as you sit here today, you can't think</u>
	17	<u>of a single person?</u>
10:57:01	18	<u>A. Not at this time.</u>
10:57:01	19	<u>Q. Okay. Going back to the complaint,</u>
	20	<u>paragraph 30(a), you refer to raising concerns about</u>
	21	<u>mismanagement of the budget by Sifuentes and Scott,</u>
	22	<u>including redirecting a \$50,000 donation for student</u>
	23	<u>activities to administrator salaries.</u>
10:57:42	24	<u>And I'll put this on the share screen so</u>
	25	<u>you can see it.</u>

10:57:46	<u>1</u>	<u>What are you referring to there?</u>
<u>10:57:53</u>	<u>2</u>	<u>A. 30(a) we're talking about?</u>
<u>10:58:00</u>	<u>3</u>	<u>Q. Yes, sir.</u>
<u>10:58:01</u>	<u>4</u>	<u>A. Yes, that's -- that's a KFC grant that is</u>
	<u>5</u>	<u>given to the school for student activities. It is</u>
	<u>6</u>	<u>supposed to be spent exclusively on student</u>
	<u>7</u>	<u>activities.</u>
<u>10:58:13</u>	<u>8</u>	<u>It's not supposed to be used for anything</u>
	<u>9</u>	<u>else. It's not supposed to be given to the District</u>
	<u>10</u>	<u>and absorbed in any budgets. It's supposed to</u>
	<u>11</u>	<u>strictly stay at the school and be used for student</u>
	<u>12</u>	<u>activities.</u>
10:58:29	13	Q. Okay.
10:58:29	14	And have you produced the documents
	15	related to that KFC grant?
10:58:37	16	A. Have I produced any documents? If they're
	17	in the documents, I can't recall.
10:58:41	18	Q. Okay.
10:58:41	19	And why do you believe that that money was
	20	improperly provided to administrator salaries?
10:58:51	21	A. Well, because I saw it in a meeting on the
	22	board. It was written on the board that that money
	23	was -- it was broken up and being distributed to
	24	different people for salaries.
10:59:04	25	Q. Okay.

10:59:06	1	Who are the people?
10:59:08	2	A. I can't recall the people whose salaries
	3	it was being given to, but it was being broken up,
	4	and it was being distributed for salaries.
10:59:17	5	Q. Okay.
10:59:17	6	Was this KFC grant for the District
	7	generally or specifically for McClymonds?
10:59:22	8	A. It was for McClymonds.
10:59:24	9	Q. Okay.
10:59:25	10	And this was a grant from KFC, like
	11	Kentucky Fried Chicken?
10:59:32	12	A. Correct.
10:59:32	13	Q. Okay.
10:59:35	14	<u>Do you have any evidence of this budget</u>
	15	<u>that you saw, or this breakdown, that you saw at the</u>
	16	<u>meeting?</u>
<u>10:59:45</u>	<u>17</u>	<u>A. I was there. My own eyes.</u>
<u>10:59:47</u>	<u>18</u>	<u>Q. Did you take a photo of it?</u>
<u>10:59:49</u>	<u>19</u>	<u>A. I did not.</u>
<u>10:59:49</u>	<u>20</u>	<u>Q. Okay.</u>
<u>10:59:50</u>	<u>21</u>	<u>Was it, like, up on a white board or --</u>
<u>10:59:52</u>	<u>22</u>	<u>A. It was. It was up on a white board, yes.</u>
<u>10:59:55</u>	<u>23</u>	<u>Q. Okay.</u>
10:59:55	24	<u>You didn't take any photographs at all?</u>
<u>10:59:57</u>	<u>25</u>	<u>A. I didn't.</u>

10:59:58	<u>1</u>	<u>Q. Okay.</u>
<u>10:59:59</u>	<u>2</u>	<u>Do you still have any records of this</u>
	<u>3</u>	<u>budget?</u>
<u>11:00:03</u>	<u>4</u>	<u>A. It wasn't something that I necessarily</u>
	<u>5</u>	<u>handled. So, no, I don't have any record of it.</u>
<u>11:00:09</u>	<u>6</u>	<u>Q. Okay.</u>
11:00:09	7	And then, who did you report concerns
	8	about that to?
11:00:15	9	A. I didn't report it to anyone. It's just
	10	something that I noted again that was something that
	11	was going on that should not have been.
11:00:26	12	Oh. You know what? I'm sorry. Strike
	13	that.
11:00:29	14	I may have said something to Kyla about
	15	it.
11:00:33	16	Q. Okay.
11:00:34	17	Did you say anything to Mr. Scott or
	18	Ms. Sifuentes about it?
11:00:40	19	A. Well, I did say to Scott that that grant
	20	was supposed to be for student activity, yes.
11:00:45	21	Q. Okay.
11:00:46	22	Did you say anything to Ms. Sifuentes
	23	about it?
11:00:48	24	A. I'm not sure if she was in that -- was
	25	there when I -- when I saw that. I'm not sure if

	1	she was in the room at that time.
11:00:56	2	Q. Okay.
11:00:57	3	<u>When did you see this on the white board</u>
	4	<u>with the grant money that you believe was being</u>
	5	<u>inappropriately given to administrators?</u>
11:01:07	6	<u>A. Again, I'd have to look at the documents</u>
	7	<u>to see what time, what date, but it was during a</u>
	8	<u>meeting.</u>
11:01:15	9	<u>Actually, it was during the time -- it</u>
	10	<u>wasn't an actual set meeting. It was a time that I</u>
	11	<u>believe I had just popped into Mr. Scott's office,</u>
	12	<u>and I saw it on the board.</u>
11:01:26	13	<u>Q. Okay.</u>
11:01:27	14	A. On his white board.
11:01:29	15	Q. Okay.
11:01:30	16	Do you know why he had a budget breakdown
	17	drawn on the white board?
11:01:35	18	A. Excuse me. You'd have to ask him. I
	19	don't know.
11:01:37	20	Q. Okay.
11:01:39	21	Was this something he normally had up
	22	there?
11:01:42	23	A. Periodically. I mean, if he was
	24	discussing budget, I'm sure, yes things would be
	25	broken down on the white board for people -- for

	1	understanding.
11:01:53	2	Q. Did this budget show grant money going to
	3	him?
11:01:57	4	A. No.
11:01:58	5	Q. Did it show grant money going to your
	6	salary?
11:02:01	7	A. No.
11:02:02	8	Q. Did it show grant money going to
	9	Mr. Carson's salary?
11:02:06	10	A. No.
11:02:07	11	Q. Did it show grant money going to
	12	Ms. McCune's salary?
11:02:12	13	A. No.
11:02:12	14	<u>Q. So, what administrators was the -- do you</u>
	15	<u>believe the grant money was going to?</u>
<u>11:02:21</u>	16	<u>A. It went down to -- it went -- that may be</u>
	17	<u>misstated that it went to an administrator's salary.</u>
	18	<u>What was meant was that it went to -- it didn't go</u>
	19	<u>to the -- didn't go to the -- I believe it was like</u>
	20	<u>a kids' salary.</u>
<u>11:02:35</u>	21	<u>It didn't go to student activities like it</u>
	22	<u>was supposed to. It went to different people's --</u>
	23	<u>like, teacher's salaries or different budgets to</u>
	24	<u>replace different things, when that wasn't the</u>
	25	<u>purpose of that money.</u>

11:02:47	<u>1</u>	<u>Q. Okay.</u>
<u>11:02:49</u>	<u>2</u>	<u>So, do you remember specifically where any</u>
	<u>3</u>	<u>of that money you believe was going -- where it</u>
	<u>4</u>	<u>wasn't supposed to?</u>
<u>11:02:56</u>	<u>5</u>	<u>A. Which, I don't remember exactly. Like I</u>
	<u>6</u>	<u>said, I hadn't taken a picture of it; however, I did</u>
	<u>7</u>	<u>note and see that that money wasn't going where it</u>
	<u>8</u>	<u>was supposedly allotted to.</u>
11:03:14	9	I -- and I do know that that money was
	10	supposed to go through Dr. Taylor. And I do
	11	remember Dr. Taylor saying that that money hadn't
	12	been received.
11:03:25	13	Q. Who is Dr. Taylor?
11:03:26	14	A. Dr. LuPalette Taylor, who is the school
	15	banker. And she's been at the -- she is the longest
	16	matriarch, or person, that works at the school.
11:03:38	17	Q. Okay.
11:03:38	18	So, you believe she would have -- so, she
	19	told you she hadn't received the money for the
	20	grant?
11:03:51	21	A. Correct.
11:03:51	22	Q. From KFC?
11:03:52	23	A. Correct. Because that money is -- when it
	24	comes to the school, it's supposed to go through
	25	her.

11:03:57	1	Q. Okay.
11:03:58	2	Do you know where it went?
11:03:59	3	A. I do not. Well, then, on the board, it
	4	showed -- it indicated where it went. It was split
	5	up into different parts, but it didn't go to her for
	6	student activities.
11:04:11	7	Q. Okay.
11:04:11	8	And did you -- did you inquire with her
	9	about what was going on with it?
11:04:15	10	A. I did. She said she didn't know. She
	11	hadn't received it.
11:04:18	12	Q. When did you follow up with her about it?
11:04:20	13	A. Well, I'd have to look at the dates in the
	14	documents to have the exact date and time. But I
	15	did have the discussion with her.
11:04:26	16	Q. Okay.
11:04:32	<u>17</u>	<u>When did you raise your concern with</u>
	<u>18</u>	<u>Mr. Scott about this?</u>
<u>11:04:35</u>	<u>19</u>	<u>A. I did not.</u>
<u>11:04:41</u>	<u>20</u>	<u>Q. I thought, before, you said that you</u>
	<u>21</u>	<u>brought out your concern that the money wasn't going</u>
	<u>22</u>	<u>where it was supposed to with Mr. Scott.</u>
<u>11:04:47</u>	<u>23</u>	<u>A. No.</u>
<u>11:04:47</u>	<u>24</u>	<u>I said I saw that it was -- he listed it</u>
	<u>25</u>	<u>on the board, and it was going different places, and</u>

	<u>1</u>	<u>it didn't go where it was supposed to.</u>
<u>11:04:52</u>	<u>2</u>	<u>Q. Okay.</u>
<u>11:04:53</u>	<u>3</u>	<u>So, did you report to Mr. Scott any</u>
	<u>4</u>	<u>concerns about that?</u>
<u>11:04:56</u>	<u>5</u>	<u>A. I didn't, no.</u>
<u>11:04:57</u>	<u>6</u>	<u>Q. Okay.</u>
<u>11:04:57</u>	<u>7</u>	<u>And did you report to Ms. Sifuentes any</u>
	<u>8</u>	<u>concerns about this KFC grant budget money?</u>
<u>11:05:04</u>	<u>9</u>	<u>A. No.</u>
11:05:04	10	Q. Okay. Because, as I'm reading your
	11	complaint -- and we can take a look at it again --
	12	it says that -- in paragraph 30A, "In addition,
	13	McKinney reported the following to Scott and
	14	Sifuentes."
11:05:21	15	So, paragraph (a) "Mismanagement of the
	16	budget by Sifuentes and Scott, including redirecting
	17	a \$50,000 donation for student activities to
	18	administrator salaries."
11:05:32	19	Do you see that?
11:05:33	20	A. I do see that.
11:05:34	21	Q. Okay.
11:05:34	22	So, are you now saying that you did not
	23	report that to Scott and Sifuentes?
11:05:40	24	A. So, I didn't have to report it -- so, it's
	25	something that I'm claiming; right? So, the word

11:08:01	1	A. That might be a misprint. Not
	2	administrator salaries, but it was going to
	3	different categories where it wasn't supposed to.
	4	It wasn't going where it was supposed to go, which
	5	is student activities. So, \$50,000 on the board, it
	6	should have said "\$50,000, student activities."
11:08:14	7	Q. Okay.
11:08:14	8	<u>And did you -- you said you also may have</u>
	9	<u>mentioned this to Ms. Trammell-Johnson?</u>
11:08:21	10	<u>A. Correct.</u>
11:08:22	11	<u>Q. Okay.</u>
11:08:22	12	<u>When did you report it to her?</u>
11:08:24	13	<u>A. I'm not sure of the date, but I'm sure it</u>
	14	<u>came up in our conversation.</u>
11:08:28	15	Q. Did you have any notes of that
	16	conversation?
11:08:31	17	A. Yes. The only -- the ones that I took
	18	with me beforehand.
11:08:35	19	Q. Okay.
11:08:37	20	Did you make any notes during the
	21	conversation?
11:08:40	22	A. I don't believe so.
11:08:41	23	Q. Okay.
11:08:43	24	Did you make any report to her about it in
	25	writing?

11:09:51	<u>1</u>	<u>Q. Did Ms. Trammell-Johnson express that she</u>
	<u>2</u>	<u>was annoyed that you had raised any concerns about</u>
	<u>3</u>	<u>this KFC grant money?</u>
<u>11:10:00</u>	<u>4</u>	<u>A. She was concerned. She was concerned</u>
	<u>5</u>	<u>about all of the issues that I raised.</u>
<u>11:10:02</u>	<u>6</u>	<u>Q. But -- I understand that she was concerned</u>
	<u>7</u>	<u>when you brought these forward about the underlying</u>
	<u>8</u>	<u>issues, but was she annoyed that you had brought</u>
	<u>9</u>	<u>them to her attention?</u>
<u>11:10:12</u>	<u>10</u>	<u>A. She was concerned.</u>
<u>11:10:15</u>	<u>11</u>	<u>Q. Did she express to you that she didn't</u>
	<u>12</u>	<u>want you to bring these to her attention?</u>
<u>11:10:19</u>	<u>13</u>	<u>A. No.</u>
<u>11:10:20</u>	<u>14</u>	<u>Q. Okay.</u>
<u>11:10:20</u>	<u>15</u>	<u>Did she express that you shouldn't be</u>
	<u>16</u>	<u>bringing things like that forward?</u>
<u>11:10:24</u>	<u>17</u>	<u>A. No.</u>
<u>11:10:25</u>	<u>18</u>	<u>Q. Okay.</u>
<u>11:10:30</u>	<u>19</u>	<u>Did Mr. Scott tell you that you shouldn't</u>
	<u>20</u>	<u>ask him questions about the budget?</u>
<u>11:10:37</u>	<u>21</u>	<u>A. No.</u>
<u>11:10:37</u>	<u>22</u>	<u>He didn't say that I shouldn't ask him</u>
	<u>23</u>	<u>questions about the budget, but I can tell that</u>
	<u>24</u>	<u>that -- my line of questioning caught him off guard.</u>
	<u>25</u>	<u>Because a lot of times, he -- I mean, budget was not</u>

	1	discussed around me. So, that was one -- not only
	2	was I excluded from different meetings, I wasn't
	3	privy to many budget discussions.
11:10:58	4	Q. Okay.
11:11:03	5	A. Which I should have been in my role as
	6	assistant principal.
11:11:06	7	Q. Okay.
11:11:07	8	And what do you base that on?
11:11:09	9	A. That's one of the duties. I mean, that's
	10	my role. I am supposed to be aware of budgetary
	11	items that go on at the school.
11:11:19	12	Q. Okay.
11:11:20	13	Are you supposed to control the budget in
	14	any way?
11:11:23	15	A. Not necessarily control the budget. Some
	16	budgets I do -- I would have control of, but input,
	17	yes.
11:11:39	18	Q. Okay.
11:11:40	19	<u>Are you aware of any documents or evidence</u>
	20	<u>stating that the reason you received write-ups or</u>
	21	<u>demotions is because you raised concerns about the</u>
	22	<u>KFC grant money?</u>
11:11:48	23	A. No.
11:11:49	24	Q. Are you aware of any witnesses who have
	25	information that the reason you received any

11:13:17	1	MR. LOWRY: Like, seven minutes.
11:13:19	2	THE REPORTER: May I have 10 minutes,
	3	Ethan?
11:13:22	4	MR. LOWRY: Of course, you can have 10
	5	minutes.
11:13:24	6	MS. MEHTA: Okay. Sounds good.
11:13:25	7	THE VIDEOGRAPHER: All right. Going off
	8	the record at 11:13 a.m.
11:13:29	9	(Off the record from 11:13 a.m.
11:13:34	10	until 11:28 a.m.)
11:29:03	11	THE VIDEOGRAPHER: Okay. We are back on
	12	the record at 11:28 a.m.
11:29:14	13	BY MR. LOWRY:
11:29:14	14	Q. Mr. McKinney, going back to when you were
	15	talking about Ms. Sifuentes and her body language,
	16	do you believe that there was some requirement that
	17	she smile at you?
11:29:25	18	A. No.
11:29:30	19	<u>Q. Going back to your complaint on</u>
	20	<u>paragraph 30, where you raised all these various</u>
	21	<u>issues that you complained about, you mentioned</u>
	22	<u>other maintenance problems at the school.</u>
11:29:48	23	<u>What are those?</u>
11:29:56	24	<u>A. I mean, it's inclusive of broken water</u>
	25	<u>fountains. That had to deal with the water, of</u>

	<u>1</u>	<u>course. Things like the -- the flooding of the</u>
	<u>2</u>	<u>bathrooms, urinals, and different things inoperable</u>
	<u>3</u>	<u>on a daily basis at the school. Things such as poor</u>
	<u>4</u>	<u>lighting, fans in rooms, which attributed to the</u>
	<u>5</u>	<u>heating piece -- to the cooling piece, I should say.</u>
	<u>6</u>	<u>So, some of just the basic needs.</u>
<u>11:31:00</u>	<u>7</u>	<u>So, the fans for cooling, water fountains</u>
	<u>8</u>	<u>being broken, not being able to drink certain</u>
	<u>9</u>	<u>things, not being able to use the bathroom,</u>
	<u>10</u>	<u>bathrooms having to be closed down on whole floors,</u>
	<u>11</u>	<u>which causes so much confusion because you have</u>
	<u>12</u>	<u>bathrooms that are closed because they're</u>
	<u>13</u>	<u>inoperable.</u>
<u>11:31:19</u>	<u>14</u>	<u>So, you have the whole school having to be</u>
	<u>15</u>	<u>redirected, rerouted to one bathroom on a certain</u>
	<u>16</u>	<u>floor which causes mass confusion, education-wise</u>
	<u>17</u>	<u>throughout the school.</u>
<u>11:31:35</u>	<u>18</u>	<u>So, those sort of different issues.</u>
<u>11:31:42</u>	<u>19</u>	<u>Q. Okay. And did --</u>
<u>11:31:43</u>	<u>20</u>	<u>A. So, not having enough furniture in</u>
	<u>21</u>	<u>classrooms, broken desks.</u>
<u>11:31:53</u>	<u>22</u>	<u>I was just rethinking of the different</u>
	<u>23</u>	<u>things that -- things like connectivity issues for</u>
	<u>24</u>	<u>Internet, those are maintenance issues -- IT issues.</u>
	<u>25</u>	<u>Being -- you know, holes in the walls, broken</u>

	<u>1</u>	<u>windows that are safety issues that have jagged</u>
	<u>2</u>	<u>edges, different things on them.</u>
<u>11:32:34</u>	<u>3</u>	<u>We would have -- when it would rain, you</u>
	<u>4</u>	<u>know, the roof pouring down in the hallways, in the</u>
	<u>5</u>	<u>staircases. Flooding the hallways.</u>
<u>11:32:52</u>	<u>6</u>	<u>Parts of the ceiling in classrooms falling</u>
	<u>7</u>	<u>down, hitting kids, hitting teachers, or in the</u>
	<u>8</u>	<u>conference room, where tiles or different things</u>
	<u>9</u>	<u>would fall down from the ceiling.</u>
<u>11:33:04</u>	<u>10</u>	<u>Just regular maintenance issues that we</u>
	<u>11</u>	<u>could not get fixed on a regular -- or, maintained</u>
	<u>12</u>	<u>on a regular basis.</u>
<u>11:33:23</u>	<u>13</u>	<u>Q. Okay.</u>
<u>11:33:24</u>	<u>14</u>	<u>Is that everything that you can recall?</u>
<u>11:33:31</u>	<u>15</u>	<u>A. Painting. We have -- I mean, we have</u>
	<u>16</u>	<u>regular floods, you know, when one -- one level</u>
	<u>17</u>	<u>would flood down to the other level, so that would</u>
	<u>18</u>	<u>put multiple classrooms out of commission. You</u>
	<u>19</u>	<u>know, destroy different things, you know, with the</u>
	<u>20</u>	<u>flooding. You know, just the plumbing problems.</u>
<u>11:34:13</u>	<u>21</u>	<u>You know, just, you know, regular</u>
	<u>22</u>	<u>maintenance around the school, insofar as gardening,</u>
	<u>23</u>	<u>having supplies -- what you call maintenance, also,</u>
	<u>24</u>	<u>with different supplies. We're always short of</u>
	<u>25</u>	<u>supplies. Toilet paper, cleaning supplies. Just</u>

	1	<u>never having enough for the bear maintenance of the</u>
	2	<u>day-to-day operations at our school.</u>
11:34:41	3	<u>O. And how did you bring all these concerns</u>
	4	<u>forward to Ms. Sifuentes and Mr. Scott?</u>
11:34:47	5	<u>A. Again, these are things that are broached</u>
	6	<u>in meetings. These are things that are broached in</u>
	7	<u>emails, like, with the custodians at M&O through the</u>
	8	<u>District.</u>
11:35:05	9	So, that's how those things -- and then
	10	they kept changing the protocol of how you would
	11	have to do certain things.
11:35:12	12	Like, at first, you would tell the office
	13	manager to request certain things to put a ticket
	14	in. Then after that, you know -- you'd never know
	15	what it was.
11:35:23	16	Then after that, it was, Oh, you tell the
	17	custodian. And then the custodian does his own
	18	email to the District supervisor -- field
	19	supervisor, whomever.
11:35:36	20	So, there was always a hit and miss on the
	21	protocol, but yet, all these maintenance issues
	22	always would continue to be a problem.
11:35:50	23	You know, getting -- changing locks,
	24	putting locks on different things, removing garbage,
	25	debris removal, from the school. Like I said,

	1	painting, repainting certain things. Things would
	2	just take an excessive amount of time for them to be
	3	taken care of.
11:36:11	4	Q. Okay.
11:36:12	5	And when you would bring these issues up
	6	with Ms. Sifuentes and Mr. Scott, did they tell you
	7	not to bring them up with them?
11:36:23	8	A. I mean, it would mostly just be, Well, you
	9	know, Mr. McKinney, you handle that. So, you know,
	10	I mean, that's a way of them saying they don't want
	11	to hear it, that they don't want to be bothered with
	12	it.
11:36:34	13	<u>Q. Well, wasn't it your job to take care of</u>
	14	<u>those sorts of things?</u>
11:36:37	15	<u>A. It is. It's my job to alert them and let</u>
	16	<u>them know as well and garner support where I can</u>
	17	<u>when it needs to be, especially when it has to come</u>
	18	<u>from the District.</u>
11:36:51	19	<u>Q. Did either of them specifically tell you</u>
	20	<u>not to bring any of these issues forward?</u>
11:36:57	21	<u>A. Specifically, no.</u>
11:36:58	22	Q. Okay.
11:36:59	23	Did you report these issues to anyone else
	24	at the District above you in your chain of command?
11:37:06	25	A. Above me in my chain of command would be

	1	part.
11:38:07	2	Q. Okay.
11:38:08	3	And you were told that was the chain of
	4	command by Ms. Sifuentes and Mr. Scott?
11:38:14	5	A. Yes.
11:38:15	6	Q. In your meetings with them?
11:38:17	7	A. It's not I'm told that on a daily -- but,
	8	yes, that's the chain of command.
11:38:22	9	Q. Okay. That's what they told you, the two
	10	of them?
11:38:31	11	A. Again, yes.
11:38:32	12	Q. Okay.
11:38:36	13	Now, going back to my original question --
	14	is, did either of them tell you not to bring these
	15	maintenance issues to them?
11:38:43	16	A. Did they say not to bring them to them?
	17	No.
11:38:46	18	Q. Did either of them say you shouldn't be
	19	bringing up concerns about these various maintenance
	20	issues at McClymonds?
11:38:53	21	A. No, they didn't say that.
11:38:55	22	Q. Okay.
11:38:56	23	<u>Did either of them say that -- did either</u>
	24	<u>of them say that they were annoyed that you had</u>
	25	<u>brought these issue to their attention?</u>

11:39:06	<u>1</u>	<u>A. Again, in the same line of questioning,</u>
	<u>2</u>	<u>they didn't say that, but their body language in the</u>
	<u>3</u>	<u>meetings when I would bring things up, spoke volumes</u>
	<u>4</u>	<u>that it is saying that it is annoying, yes.</u>
11:39:20	<u>5</u>	<u>Q. Okay.</u>
11:39:21	<u>6</u>	<u>And that's what we already discussed?</u>
11:39:24	<u>7</u>	<u>A. Correct.</u>
11:39:24	<u>8</u>	<u>Q. Okay.</u>
11:39:25	<u>9</u>	<u>What was Mr. Scott's body language that</u>
	<u>10</u>	<u>you found indicated he was annoyed by this?</u>
11:39:32	<u>11</u>	<u>A. He would be unattentive. I mean, he would</u>
	<u>12</u>	<u>be looking down, not interested in -- you know, not</u>
	<u>13</u>	<u>offering many solutions to what I would have to say.</u>
	<u>14</u>	<u>So, I wouldn't say anything, and he would move on to</u>
	<u>15</u>	<u>the next subject.</u>
11:39:51	<u>16</u>	<u>So, not very interested, head down, not</u>
	<u>17</u>	<u>very involved.</u>
11:40:02	18	Q. Did you ever offer any solutions to these
	19	problems?
11:40:05	20	A. Absolutely.
11:40:07	21	Q. Okay.
11:40:07	22	Did anyone tell you, you couldn't do
	23	those?
11:40:12	24	A. I mean, I'm sure there were times I
	25	exhausted what my limitations were. And so, that

	1	will be when I would have to go to them to ask for
	2	additional help.
11:40:24	3	Q. Okay.
11:40:25	4	A. And that's when, you know, it would be
	5	annoying, obviously.
11:40:28	6	Q. Okay.
11:40:29	7	But they never specifically said to you
	8	that it was annoying?
11:40:33	9	A. Well, by the no support in a bunch of
	10	areas and the no support, that, again, actions do
	11	speak louder than words. And so, that would -- I'm
	12	taking that as no support.
11:40:52	13	Q. Okay.
11:40:55	14	<u>Well, do you have any documents or</u>
	15	<u>evidence that you received any write-ups or</u>
	16	<u>demotions because you brought forward concerns about</u>
	17	<u>maintenance at McClymonds?</u>
<u>11:41:18</u>	18	A. No.
11:41:18	19	Q. Are you aware of any witnesses who have
	20	any information that you received any write-ups or
	21	demotions as a result of your bringing up
	22	maintenance concerns at McClymonds?
11:41:30	23	A. Again, I'm sure there are witnesses. I'm
	24	sure there are people -- I mean, there are people
	25	that are aware of how I was treated at McClymonds

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	2	A	F T E R N O O N S E S S I O N
	3	SEPTEMBER 23, 2021	12:46 P.M.
	4	EXAMINATION (RESUMED)	
12:46:21	5	THE VIDEOGRAPHER: Okay. We are back on	
	6	record at 12:45 p.m.	
12:46:27	7	MR. LOWRY: All right.	
12:46:27	8	BY MR. LOWRY:	
12:46:28	9	Q. Mr. McKinney, you understand you're still	
	10	under other?	
12:46:31	11	A. Yes.	
12:46:31	12	Q. Okay.	
12:46:32	13	<u>Going back to your First Amended</u>	
	14	<u>Complaint, paragraph 30, you also allege that one of</u>	
	15	<u>the things you complained about to Mr. Scott and</u>	
	16	<u>Ms. Sifuentes was improper hiring and</u>	
	17	<u>classification; is that correct?</u>	
12:46:44	18	A. Yes.	
12:46:46	19	Q. <u>What is that -- what does that refer to as</u>	
	20	<u>far as improper hiring and classification?</u>	
12:46:56	21	A. <u>Hiring or the lack of hiring. Like I</u>	
	22	<u>mentioned before, we would have classes, or</u>	
	23	<u>subjects, that don't have teachers. So, we didn't</u>	
	24	<u>have students -- I mean, not students -- I'm</u>	
	25	<u>sorry -- we didn't have teachers, in a lot of cases,</u>	

	<u>1</u>	<u>to teach students on a daily basis.</u>
<u>12:47:22</u>	<u>2</u>	<u>And then, when we would -- when there was</u>
	<u>3</u>	<u>a hiring of some teachers, they didn't have the</u>
	<u>4</u>	<u>right certifications. Like, I spoke about the</u>
	<u>5</u>	<u>Spanish teacher who didn't teach -- didn't know</u>
	<u>6</u>	<u>Spanish. Didn't have a Spanish certification. So,</u>
	<u>7</u>	<u>it refers to that.</u>
<u>12:47:48</u>	<u>8</u>	<u>Q. Okay.</u>
<u>12:47:48</u>	<u>9</u>	<u>And did you -- you reported this to both</u>
	<u>10</u>	<u>Mr. Scott and Ms. Sifuentes?</u>
<u>12:47:55</u>	<u>11</u>	<u>A. Yes.</u>
<u>12:47:59</u>	<u>12</u>	<u>Q. Okay.</u>
<u>12:47:59</u>	<u>13</u>	<u>How did you report that to them?</u>
<u>12:48:03</u>	<u>14</u>	<u>A. In meetings.</u>
<u>12:48:04</u>	<u>15</u>	<u>Q. Was this in your weekly meetings that we</u>
	<u>16</u>	<u>have referred to several times?</u>
<u>12:48:07</u>	<u>17</u>	<u>A. Yeah. I mean, it could be the -- just</u>
	<u>18</u>	<u>meetings. There was supposedly standing weekly</u>
	<u>19</u>	<u>meetings, but other meetings that would happen</u>
	<u>20</u>	<u>sometimes. It would be meetings that had others</u>
	<u>21</u>	<u>that it involved. But, yes, meetings that would</u>
	<u>22</u>	<u>occur weekly, yes.</u>
<u>12:48:20</u>	<u>23</u>	<u>Q. Okay.</u>
<u>12:48:21</u>	<u>24</u>	<u>And when you would raise these concerns</u>
	<u>25</u>	<u>with them, did they ever tell you -- did Principal</u>

	<u>1</u>	<u>Scott or Ms. Sifuentes ever tell you not to raise</u>
	<u>2</u>	<u>these issues with them?</u>
<u>12:48:33</u>	<u>3</u>	<u>A. No, sir.</u>
<u>12:48:34</u>	<u>4</u>	<u>Q. Did they ever tell you shouldn't be</u>
	<u>5</u>	<u>raising concerns about teachers or staff who were</u>
	<u>6</u>	<u>improperly credentialed or improperly hired?</u>
<u>12:48:42</u>	<u>7</u>	<u>A. No.</u>
12:48:43	8	Q. Did -- do you know if it's the school site
	9	that determines credentialing for teachers, or is
	10	that done at the District office?
12:48:54	11	A. I don't understand that question.
12:48:55	12	Could you repeat that again?
12:48:56	13	Q. Well, when a teacher gets hired, their
	14	credentials get checked; correct?
12:49:04	15	A. Supposedly, yes.
12:49:04	16	Q. Do you know if that's the school site's
	17	responsibility or the District's?
12:49:09	18	A. That part is the District.
12:49:11	19	Q. Okay.
12:49:11	20	A. I believe, yeah. I believe it's human
	21	resources. So, that would be the District.
12:49:17	22	Q. Okay.
12:49:18	<u>23</u>	<u>Did you ever report your concerns about</u>
	<u>24</u>	<u>this to anyone besides Ms. Sifuentes and Mr. Scott?</u>
<u>12:49:23</u>	<u>25</u>	<u>A. No.</u>

<u>12:49:23</u>	<u>1</u>	<u>Q. Okay.</u>
<u>12:49:23</u>	<u>2</u>	<u>Did you ever report it to anyone outside</u>
	<u>3</u>	<u>the District?</u>
<u>12:49:27</u>	<u>4</u>	<u>A. No.</u>
<u>12:49:27</u>	<u>5</u>	<u>Q. Did either of them ever verbally express</u>
	<u>6</u>	<u>annoyance or that they were upset with you for</u>
	<u>7</u>	<u>bringing these issues forward?</u>
<u>12:49:41</u>	<u>8</u>	<u>A. No, not other than -- no.</u>
<u>12:49:44</u>	<u>9</u>	<u>Q. Apart from the body language that we've</u>
	<u>10</u>	<u>discussed previously, did either of them do anything</u>
	<u>11</u>	<u>that made you believe that they were annoyed or</u>
	<u>12</u>	<u>didn't want to hear about these concerns?</u>
<u>12:49:55</u>	<u>13</u>	<u>A. No.</u>
<u>12:49:57</u>	<u>14</u>	<u>Q. Are you aware of any documents or evidence</u>
	<u>15</u>	<u>that show -- well, that state that the reason you</u>
	<u>16</u>	<u>were written up or demoted or let go was because of</u>
	<u>17</u>	<u>the issues you raised about hiring classification of</u>
	<u>18</u>	<u>employees?</u>
<u>12:50:18</u>	<u>19</u>	<u>A. No.</u>
<u>12:50:20</u>	<u>20</u>	<u>Q. Are you aware of any witness who has any</u>
	<u>21</u>	<u>information that the reason you were written up,</u>
	<u>22</u>	<u>demoted, or let go was because you raised these</u>
	<u>23</u>	<u>specific concerns about improper hiring and</u>
	<u>24</u>	<u>classification?</u>
<u>12:50:37</u>	<u>25</u>	<u>A. No.</u>

12:50:37	<u>1</u>	<u>Q. Okay. Going to paragraph 30(j), you state</u>
	<u>2</u>	<u>that you also reported an after-school program</u>
	<u>3</u>	<u>falsely claiming it was providing services to</u>
	<u>4</u>	<u>students.</u>
12:50:57	<u>5</u>	<u>A. Correct.</u>
12:51:02	<u>6</u>	<u>Q. How did you raise that issue -- well, who</u>
	<u>7</u>	<u>did you raise that issue to?</u>
12:51:08	<u>8</u>	<u>A. To Mr. Scott and Ms. Sifuentes.</u>
12:51:12	<u>9</u>	<u>Q. Okay.</u>
12:51:12	<u>10</u>	<u>Did you raise it to anyone else at the</u>
	<u>11</u>	<u>District?</u>
12:51:17	<u>12</u>	<u>A. Yes. Kyla was aware as well.</u>
12:51:20	<u>13</u>	<u>Q. That's Ms. Trammell-Johnson?</u>
12:51:22	<u>14</u>	<u>A. Correct.</u>
12:51:23	15	Q. All right.
12:51:23	16	Anyone else?
12:51:27	17	A. They may have been aware, but then I
	18	raised it to just those three.
12:51:30	19	Q. Okay.
12:51:32	20	Did Ms. Trammell-Johnson express any
	21	annoyance to you that you had brought the issue
	22	forward?
12:51:39	23	A. No.
12:51:39	24	Just concern.
12:51:40	25	Q. Concern about the underlying issue?

12:51:46	1	A. That -- yes.
12:51:47	2	Q. So, she was concerned that an after-school
	3	program was falsely claiming it was providing
	4	services to students?
12:51:54	5	A. Correct.
12:51:54	6	Q. Okay.
12:51:55	7	<u>Do you know if any investigation was done?</u>
12:52:07	8	<u>A. Investigation into the falsely claiming</u>
	9	<u>that it was providing services?</u>
12:52:13	10	<u>Q. Correct.</u>
12:52:14	11	<u>A. Yes, I believe so. I believe that after a</u>
	12	<u>while, we switched after-school programs, because I</u>
	13	<u>believe that that program got -- it led to the</u>
	14	<u>program being disbanded.</u>
12:52:27	15	Q. Okay.
12:52:28	16	The concern about the false claims it was
	17	making?
12:52:31	18	A. Correct.
12:52:32	19	Q. Led to it being disbanded?
12:52:35	20	A. I believe so. I don't know exactly why it
	21	was disbanded, but I would assume so, yes, because
	22	that was happening.
12:52:41	23	Q. Okay.
12:52:42	24	Did you do -- did you do that --
12:52:48	25	A. No.

12:52:49	1	Q. Do you know who did?
12:52:50	2	A. I do not.
12:52:52	3	Q. Okay.
12:52:52	<u>4</u>	<u>Do you know if Mr. Scott or Ms. Sifuentes</u>
	<u>5</u>	<u>was involved?</u>
<u>12:52:54</u>	<u>6</u>	<u>A. I do not.</u>
12:52:56	7	Q. Okay.
12:52:57	8	Was this -- was it a known thing that this
	9	was potentially going on, that this program was
	10	potentially making false claims about providing
	11	services?
12:53:12	12	A. No.
12:53:12	13	It depends on who you say know and who is
	14	know -- knew. I mean, there were quite a few people
	15	who knew, yes.
12:53:20	16	Q. Okay.
12:53:20	17	Well, did -- do you know, when you told
	18	Mr. Scott and Ms. Sifuentes about it, did they say
	19	anything to you that they had been made aware of
	20	that already or made aware of these claims?
12:53:37	21	A. Did they tell me that they were aware of
	22	the claims? No.
12:53:40	23	Q. Okay.
12:53:40	24	Did they tell you that they had heard
	25	anything like that before with this program?

	1	District stopped working with the program?
12:55:23	2	A. I'm not sure of the date, but I believe it
	3	was some years -- maybe some years afterwards that a
	4	new program finally came in.
12:55:35	5	Q. Well, I'm asking when they stopped working
	6	with the old program.
12:55:39	7	A. That's what I mean. That program stopped
	8	working there at McClymonds, and the new program
	9	came in.
12:55:47	10	Q. Okay.
12:55:47	11	Was there any period of time when there
	12	just wasn't an after-school program?
12:55:52	13	A. No, I don't believe so.
12:55:52	14	Q. Okay.
12:55:55	15	<u>When you brought this forward to Mr. Scott</u>
	16	<u>and Ms. Sifuentes, did either of them express</u>
	17	<u>annoyance that you were raising this concern?</u>
12:56:08	18	A. No.
12:56:08	19	<u>Q. Did either one of them tell you that you</u>
	20	<u>shouldn't bring this to them?</u>
12:56:12	21	A. No.
12:56:12	22	Q. Do you know what, if any, actions they
	23	took once you told them about it?
12:56:16	24	A. No.
12:56:22	25	Q. Did you ever follow up with them to find

12:57:37	1	Q. Yes.
12:57:39	2	A. It was just -- it was just -- I can't
	3	recall. I just was reporting the concern to them
	4	and letting them know that it was something that was
	5	happening and that it was continuously happening.
12:57:55	6	Q. Okay.
12:57:56	7	<u>And did Ms. Sifuentes say anything when</u>
	8	<u>you told her about it that you recall?</u>
12:58:01	9	<u>A. Not that I can recall at this time.</u>
12:58:03	10	<u>Q. Okay.</u>
12:58:08	11	<u>What did Mr. Scott say when you told him?</u>
12:58:10	12	<u>A. I mean, they listened. I can't recall</u>
	13	<u>what he said at the time.</u>
12:58:13	14	<u>Q. Okay.</u>
12:58:13	15	<u>But they both listened to you?</u>
12:58:16	16	<u>A. Yes.</u>
12:58:16	17	Q. Okay.
12:58:17	18	And neither one of them told you that you
	19	shouldn't have brought that to their attention?
12:58:21	20	A. No.
12:58:21	21	Q. Okay.
12:58:22	22	Did either of them express any annoyance
	23	to you in any way -- well, strike that.
12:58:26	24	<u>Apart from the body language that we've</u>
	25	<u>discussed previously, did either of them do anything</u>

	1	<u>that made you believe that they were annoyed or</u>
	2	<u>upset or didn't want you to bring this issue forward</u>
	3	<u>to them?</u>
12:58:41	4	A. No.
12:58:41	5	Q. Okay.
12:58:41	6	Did -- do you feel that they did express
	7	that body language that you previously mentioned
	8	when you brought this issue forward as well?
12:58:52	9	A. Can you repeat that again?
12:58:53	10	Q. Yeah.
12:58:54	11	Do you believe that when you brought this
	12	forward, there was any negative body language from
	13	Ms. Sifuentes and Mr. Scott -- when you brought it
	14	forward?
12:59:01	15	A. Yes.
12:59:02	16	Q. Okay.
12:59:03	17	And that's the same body language we've
	18	discussed earlier?
12:59:06	19	A. Correct.
12:59:17	20	Q. I'm sorry. What did Ms. Trammel-Johnson
	21	say when you brought it to her?
12:59:22	22	Did she say she would look into it?
12:59:26	23	A. I'm not sure that those were her exact
	24	words. Again, she was concerned about the
	25	information that I was bringing to her.

12:59:32	1	Q. Okay.
12:59:37	2	Did you report this to anyone outside of
	3	the District?
12:59:40	4	A. No.
12:59:40	5	Q. Okay.
12:59:51	6	<u>Did -- well, are you aware of any evidence</u>
	7	<u>or documents showing that you were retaliated</u>
	8	<u>against for bringing up this concern about the</u>
	9	<u>after-school program?</u>
<u>01:00:04</u>	<u>10</u>	<u>A. No.</u>
<u>01:00:08</u>	<u>11</u>	<u>Q. Are you aware of any witnesses that have</u>
	<u>12</u>	<u>knowledge that you were retaliated against for</u>
	<u>13</u>	<u>bringing up this after-school program with</u>
	<u>14</u>	<u>Ms. Sifuentes and Mr. Scott?</u>
<u>01:00:19</u>	<u>15</u>	<u>A. No.</u>
01:00:37	16	Q. Moving to paragraph 30(k) of your
	17	complaint you also state that you believe that you
	18	were -- or that you reported to Scott and Sifuentes
	19	continued retaliation against yourself.
01:00:48	20	What does that mean?
01:00:51	21	A. Just the accumulation of all the things
	22	that we've gone over in A through -- beginning with
	23	A, up until this point.
01:00:59	24	Q. And so, did you -- what did you report to
	25	Mr. Scott and Ms. Sifuentes that you felt was

01:18:22	1	Q. Did either of them tell you that they
	2	didn't want you to bring it up?
01:18:25	3	A. No.
01:18:26	4	Q. Did either of them tell that you shouldn't
	5	bring forward concerns about students being
	6	disproportionately punished?
01:18:33	7	A. No.
01:18:49	8	<u>Q. Did either one of them do anything that</u>
	9	<u>made you believe that they were annoyed or upset</u>
	10	<u>that you had brought this issue forward?</u>
<u>01:19:01</u>	<u>11</u>	<u>A. No.</u>
01:19:01	12	Q. Did you report this concern to anyone
	13	else?
01:19:10	14	A. Again, I reported it to Kyla,
	15	Ms. Trammell-Johnson.
01:19:14	16	Q. And anyone else you reported it to?
01:19:16	17	A. Again, those were the only people that I
	18	report to, Mr. Scott or Ms. Sifuentes or the
	19	superintendent.
01:19:23	20	Q. Okay.
01:19:24	21	Did you report it to anyone outside the
	22	District?
01:19:27	23	A. No.
01:19:27	24	Q. Did you report it to OCR?
01:19:30	25	A. No.

	1	far as -- vague and compound as far as evidence.
	2	So, documents and evidence.
01:20:55	3	BY MR. LOWRY:
01:20:56	4	Q. Do you understand my question,
	5	Mr. McKinney?
01:20:58	6	A. No.
01:20:58	7	Could you ask it again, please?
01:21:01	8	Q. Sure.
01:21:02	<u>9</u>	<u>Are you aware of any documents that</u>
	<u>10</u>	<u>establish that you were retaliated against for</u>
	<u>11</u>	<u>bringing forward concerns that there were violations</u>
	<u>12</u>	<u>of the 2012 OCR agreement?</u>
<u>01:21:14</u>	<u>13</u>	<u>A. No.</u>
<u>01:21:15</u>	<u>14</u>	<u>Q. Are you aware of any evidence showing that</u>
	<u>15</u>	<u>you were retaliating against you for bringing</u>
	<u>16</u>	<u>forward concerns about the 2012 OCR agreement?</u>
<u>01:21:29</u>	<u>17</u>	<u>A. No.</u>
01:21:29	<u>18</u>	<u>Q. Are you aware of any witnesses who have</u>
	<u>19</u>	<u>any information that you were retaliated against for</u>
	<u>20</u>	<u>bringing forward concerns about violations of the</u>
	<u>21</u>	<u>2012 OCR agreement?</u>
<u>01:21:41</u>	<u>22</u>	<u>A. No.</u>
<u>01:21:42</u>	<u>23</u>	<u>Q. Do you have any witnesses that you're</u>
	<u>24</u>	<u>aware of with any information that you were</u>
	<u>25</u>	<u>retaliated against for bringing forward concerns</u>

	1	<u>about disproportionate discipline of African</u>
	2	<u>American or Black students at McClymonds High</u>
	3	<u>School?</u>
01:22:01	4	A. No.
01:22:01	5	Q. So, you mentioned yesterday that you would
	6	have to go through the complaint to recall
	7	everything that you believe that you reported that
	8	resulted in retaliatory conduct by the District.
01:22:30	9	Do you recall that?
01:22:34	10	A. You said it's -- it's in my complaint?
01:22:37	11	Q. Well, do you recall saying that yesterday?
01:22:41	12	A. Can you repeat that again?
01:22:43	13	You said "a complaint," and so I -- there
	14	was something in my -- can you repeat your question,
	15	please?
01:22:49	16	Q. Yeah.
01:22:50	17	Yesterday, when we were starting off, you
	18	said that, in order to remember everything, that you
	19	would -- that you believe were issues you raised
	20	that resulted in retaliation against you, you'd want
	21	to look at the complaint or go through your legal
	22	complaint in this matter.
01:23:13	23	Do you remember you said that?
01:23:16	24	A. Yes.
01:23:17	25	Q. Okay. So, I believe we have now done

	1	that -- and based on what you've said so far -- that
	2	includes write-ups; is that correct?
01:25:07	3	A. Correct.
01:25:09	4	Q. You've referenced a demotion; is that
	5	correct?
01:25:15	6	A. Correct.
01:25:25	7	Q. Do you believe that you were laid off
	8	because of the complaints that you made.
01:25:28	9	A. Correct.
01:25:35	10	Q. Are there any other things that occurred
	11	that you believe were in retaliation for raising
	12	these various concerns about McClymonds?
01:25:49	13	A. No. You've covered it all so far.
01:25:51	14	Q. Okay.
01:25:55	15	<u>What write-ups do you believe were done --</u>
	16	<u>were done in retaliation for you raising these</u>
	17	<u>issues?</u>
<u>01:26:09</u>	18	<u>A. All of them.</u>
<u>01:26:10</u>	19	<u>Q. Okay.</u>
<u>01:26:16</u>	20	<u>So, you don't believe that any write-up</u>
	21	<u>you ever received about your performance was</u>
	22	<u>warranted?</u>
<u>01:26:20</u>	23	<u>A. Correct.</u>
01:26:21	24	Q. Okay.
01:26:27	25	And the demotion that you've referenced,

	1	state that the reason this was written up is because
	2	you raised all of those aforementioned concerns?
01:43:25	3	A. No.
01:43:25	4	Q. Okay.
01:43:26	5	Did you even raise those concerns to
	6	Ms. McCune?
01:43:31	7	A. Did I -- I don't understand your question.
01:43:34	8	Q. All those concerns that we discussed
	9	previously, you said that you only raised them with
	10	Principal Scott, Ms. Sifuentes, and some of them
	11	also with Ms. Johnson-Trammell -- or,
	12	Trammell-Johnson -- sorry.
01:43:49	13	<u>Did you raise any of those -- you didn't</u>
	14	<u>mention that you raised any of those concerns with</u>
	15	<u>Ms. McCune.</u>
01:43:56	16	<u>A. Well, she -- she resigned in the middle of</u>
	17	<u>her -- after the first year. So, she wasn't there.</u>
	18	<u>She left. She resigned, quit -- I don't know what</u>
	19	<u>happened, but she was no longer there.</u>
01:44:12	20	Q. My question is, if you didn't raise any of
	21	these concerns to her, why would she be retaliating
	22	against you for raising them?
01:44:20	23	A. Well, it began partway -- her term,
	24	halfway through, became really rocky as well, which
	25	is -- I'm assuming which is one of the reasons why

02:09:56	1	MS. MEHTA: Objection. Vague.
02:09:58	2	BY MR. LOWRY:
02:09:58	3	Q. Are you aware of any witnesses who have
	4	any information that this was written because you
	5	complained about the water at McClymonds?
02:10:08	6	A. No.
02:10:09	7	Q. Okay.
02:10:16	8	Do you know when Ms. McCune resigned the
	9	District?
02:10:20	10	A. I believe it was at the end of this school
	11	year. I believe she was there just one year -- one
	12	school year.
02:10:25	13	Q. Okay.
02:10:26	14	Do you remember what the date was?
02:10:28	15	A. She didn't come back for the following
	16	school year. So, I don't know what exact date she
	17	resigned or cut ties with the District. I do not
	18	know that exactly.
02:10:41	19	Q. Okay.
02:10:41	20	<u>So, March 2017 is when the -- this public</u>
	21	<u>evaluation that you mentioned multiple times came</u>
	22	<u>up; correct?</u>
<u>02:10:55</u>	<u>23</u>	<u>A. Correct.</u>
02:10:55	24	Q. Okay.
02:11:00	25	And you believe that was done in

	1	retaliation for you bringing up the water issues?
02:11:09	2	A. And other issues; correct. Yes.
02:11:12	3	Q. Okay.
02:11:12	4	Well, in March 2017, what other issues had
	5	you raised?
02:11:16	6	A. Well, whatever issues that had come with
	7	the school. But yes, water was the major issue;
	8	correct. Yes.
02:11:23	9	Q. Well, I want to confirm if it was just the
	10	water or if it was these other issues too, because
	11	as we discussed earlier, you said you reported all
	12	these concerns to Ms. Sifuentes and Mr. Scott and
	13	that Mr. Scott wasn't supervising you in the '16-'17
	14	school year.
02:11:43	15	<u>So, I want to know, as of March 2017, what</u>
	16	<u>had you complained about apart from the water that</u>
	17	<u>you believe you were retaliated against for.</u>
<u>02:11:51</u>	18	<u>A. I would have to look back at the dates,</u>
	19	<u>but water was the major issue, because I had not had</u>
	20	<u>any issues with any of those other -- a lot of these</u>
	21	<u>other issues just pertained to Mr. Scott and</u>
	22	<u>Ms. Sifuentes.</u>
02:12:09	23	But, like I said, after I complained about
	24	the water and Ms. McCune was part of this public
	25	evaluation with Vanessa and Scott, then that's when

	1	all of this occurred.
02:12:33	2	Q. <u>So, with the public evaluation, am I</u>
	3	<u>correct that an evaluation was sent out regarding --</u>
	4	<u>well, for people to provide feedback about you and</u>
	5	<u>Mr. Carson; is that correct?</u>
02:12:56	6	A. <u>Correct.</u>
02:12:56	7	Q. <u>As assistant principals?</u>
02:12:59	8	A. <u>Correct.</u>
02:13:00	9	Q. Okay.
02:13:00	10	And so, that public evaluation involved
	11	both you and Mr. Carson?
02:13:07	12	A. Correct.
02:13:08	13	Q. Do you believe that that was done in
	14	retaliation against Mr. Carson for any reason?
02:13:13	15	A. He had his own issues with -- yes. Well,
	16	you would have to ask -- because if you're asking me
	17	do I believe it was retaliation against him from
	18	her? I would say yes, because he had his own issues
	19	with Ms. McCune.
02:13:27	20	She was accusing him of whatever they were
	21	getting into. My understanding was it was some
	22	embezzlement of money. I can't be sure; however,
	23	that's my recollection of it.
02:13:43	24	You would have to ask those two what the
	25	issue was. But they had their own issues.

02:13:51	1	Q. Okay.
02:13:58	2	Do you know why the -- there was any
	3	evaluation that was being done?
02:14:08	4	A. No, because it was against -- the public
	5	evaluation they did was against the -- it's against
	6	the contract. It was against the union rules. It
	7	was a direct violation.
02:14:24	8	<u>Q. It was withdrawn; correct?</u>
<u>02:14:26</u>	<u>9</u>	<u>A. After the grievance and it was withdrawn</u>
	<u>10</u>	<u>after -- it had already gone out, so everybody had</u>
	<u>11</u>	<u>already seen it. Not only teachers, the community,</u>
	<u>12</u>	<u>students -- everyone had already seen it. So, it</u>
	<u>13</u>	<u>was already out.</u>
<u>02:14:42</u>	<u>14</u>	<u>So, withdrawn? I don't know if</u>
	<u>15</u>	<u>"withdrawn" is the word I would use. I would say --</u>
	<u>16</u>	<u>I know that it was apologized for, because it was</u>
	<u>17</u>	<u>wrong, and it was in violation of our contract.</u>
<u>02:15:03</u>	<u>18</u>	<u>Q. So, ultimately, it was not used to make</u>
	<u>19</u>	<u>any determination; correct?</u>
<u>02:15:11</u>	<u>20</u>	<u>A. That I know of.</u>
02:15:12	21	Q. Do you know if anyone even responded to
	22	it?
02:15:19	23	A. I believe so. I was told that there were
	24	plenty of people. I wasn't privy to that, so I can
	25	only speak on what I was told. It was brought to me

02:17:40	<u>1</u>	<u>And then, all of a sudden, I believe</u>
	<u>2</u>	<u>Mr. Carson just opted out, and he left. So, that</u>
	<u>3</u>	<u>discussion went down the drain.</u>
02:17:55	<u>4</u>	<u>Q. Okay.</u>
02:17:55	<u>5</u>	<u>So, between the '16-'17 school year and</u>
	<u>6</u>	<u>the '17-'18 school year, you kept your job; correct?</u>
02:18:06	<u>7</u>	<u>A. Correct.</u>
02:18:07	<u>8</u>	<u>Q. You didn't receive a demotion?</u>
02:18:11	<u>9</u>	<u>A. Correct.</u>
02:18:12	<u>10</u>	<u>Q. You didn't receive a pay cut?</u>
02:18:16	<u>11</u>	<u>A. I wasn't paid for -- there was -- there</u>
	<u>12</u>	<u>was -- there was -- I'd have to check the timing,</u>
	<u>13</u>	<u>but I did an after-school program that I wasn't paid</u>
	<u>14</u>	<u>for, for over a year, year-and-a-half.</u>
02:18:31	<u>15</u>	<u>So, I'd have to check the timing and the</u>
	<u>16</u>	<u>date on that. But -- so, right now, I would loosely</u>
	<u>17</u>	<u>say yes to that, but that is something that came up.</u>
02:18:41	<u>18</u>	<u>Q. Okay.</u>
02:18:41	<u>19</u>	<u>So, from apart from this potential issue</u>
	<u>20</u>	<u>with the after-school program, you didn't receive a</u>
	<u>21</u>	<u>change in salary between the '16-'17 and '17-'18</u>
	<u>22</u>	<u>school year?</u>
02:18:57	<u>23</u>	<u>MS. MEHTA: Did you say the after-school</u>
	<u>24</u>	<u>program?</u>
02:19:01	<u>25</u>	<u>THE WITNESS: Yes.</u>

<u>02:19:01</u>	<u>1</u>	<u>MS. MEHTA: Okay.</u>
<u>02:19:10</u>	<u>2</u>	<u>THE WITNESS: So, the base salary did not</u>
	<u>3</u>	<u>change; correct.</u>
02:19:12	4	MS. MEHTA: Okay.
02:19:13	5	BY MR. LOWRY:
02:19:13	6	Q. And I understand there was an issue later
	7	on at some point about the after-school program --
02:19:16	8	A. Correct.
02:19:16	9	Q. -- and that you believed you didn't get
	10	paid for that; correct?
02:19:20	11	A. Correct.
02:19:21	12	Q. Eventually, you were paid for that;
	13	correct?
02:19:22	14	A. About a year-and-a-half later, yes;
	15	correct.
02:19:25	16	Q. Okay.
02:19:25	17	So, you got your money?
02:19:28	18	A. Correct.
02:19:28	<u>19</u>	<u>Q. Okay. So, you said that people apologized</u>
	<u>20</u>	<u>to you about the public evaluation.</u>
<u>02:19:53</u>	<u>21</u>	<u>A. Not people. Vanessa Sifuentes.</u>
<u>02:19:58</u>	<u>22</u>	<u>Q. Do you not consider her a person?</u>
<u>02:19:59</u>	<u>23</u>	<u>A. Well, you said "people." To me, people</u>
	<u>24</u>	<u>means more than one.</u>
02:20:03	25	Q. Okay.

02:20:03	1	So, Ms. Sifuentes is the only one who
	2	apologized to you?
02:20:08	3	A. To my recollection, yes. That's when
	4	Ms. McCune says, Well, I'm not the only one to
	5	blame. They helped do it too. And she was
	6	referring to Scott and Sifuentes.
02:20:22	7	And Scott was reluctant to apologize or
	8	admitting any wrongdoing. And so, Vanessa was the
	9	one who ended up apologizing.
02:20:32	10	Q. Okay.
02:20:34	11	<u>Was this all in a meeting that took place?</u>
02:20:38	12	<u>A. Yes.</u>
02:20:39	13	<u>Q. Okay.</u>
02:20:39	14	<u>Where did this meeting take place?</u>
02:20:42	15	<u>A. At McClymonds.</u>
02:20:44	16	Q. Where?
02:20:45	17	A. In the conference room.
02:20:47	18	Q. Okay.
02:20:48	19	Where is that?
02:20:51	20	A. In between the office -- next to the
	21	office -- the main office.
02:20:57	22	Q. It's just next to the main office?
02:20:59	23	A. Yes.
02:21:00	24	Q. What floor is that on?
02:21:02	25	A. First.

<u>02:21:11</u>	<u>1</u>	<u>Q. So, who was there for this meeting?</u>
<u>02:21:13</u>	<u>2</u>	<u>A. Scott, Carson, McCune, Sifuentes, JoAnna.</u>
	<u>3</u>	<u>She's the union rep. JoAnna -- I forget her last</u>
	<u>4</u>	<u>name -- and myself.</u>
<u>02:21:37</u>	<u>5</u>	<u>Q. Okay.</u>
<u>02:21:37</u>	<u>6</u>	<u>Who called the meeting?</u>
<u>02:21:41</u>	<u>7</u>	<u>A. The union rep. Well, when you -- yes, she</u>
	<u>8</u>	<u>organized it.</u>
<u>02:21:44</u>	<u>9</u>	<u>Q. Okay.</u>
<u>02:21:45</u>	<u>10</u>	<u>Was this a grievance meeting?</u>
<u>02:21:50</u>	<u>11</u>	<u>A. Yes.</u>
<u>02:21:51</u>	<u>12</u>	<u>Q. Okay.</u>
<u>02:21:53</u>	<u>13</u>	<u>Was someone there to determine the</u>
	<u>14</u>	<u>grievance?</u>
<u>02:22:03</u>	<u>15</u>	<u>A. The union rep.</u>
<u>02:22:04</u>	<u>16</u>	<u>Q. Was she your union rep?</u>
<u>02:22:06</u>	<u>17</u>	<u>A. That's the weird part. She's everybody's</u>
	<u>18</u>	<u>that was in the room's union rep.</u>
<u>02:22:11</u>	<u>19</u>	<u>Q. Okay.</u>
<u>02:22:11</u>	<u>20</u>	<u>And was it her role to determine the</u>
	<u>21</u>	<u>outcome of the grievance you filed?</u>
<u>02:22:18</u>	<u>22</u>	<u>A. Yeah, I guess so. That's how the meeting</u>
	<u>23</u>	<u>proceeded.</u>
<u>02:22:22</u>	<u>24</u>	<u>Q. And was this grievance -- this was the one</u>
	<u>25</u>	<u>you filed with Mr. Carson?</u>

02:22:29	<u>1</u>	<u>A. Correct. I mean, we filed them</u>
	<u>2</u>	<u>individually, but, yes, they were about the same</u>
	<u>3</u>	<u>thing.</u>
<u>02:22:34</u>	<u>4</u>	<u>Q. Okay.</u>
<u>02:22:46</u>	<u>5</u>	<u>What was the outcome of that grievance?</u>
<u>02:22:48</u>	<u>6</u>	<u>A. Apologies. The apology and the admission</u>
	<u>7</u>	<u>of wrongdoing.</u>
02:22:54	8	Q. Okay.
02:22:55	9	And what did Ms. -- what did Ms. Sifuentes
	10	say in the meeting?
02:23:00	11	What were her exact words, as far as you
	12	recall?
02:23:04	13	A. I don't recall the whole exact words. I
	14	just remember she apologized, and she admitted she
	15	was wrong. I remember -- that's it.
02:23:21	16	Q. She admitted she was wrong for doing what?
02:23:24	17	A. For this public evaluation of us.
02:23:26	18	Q. Okay.
02:23:28	19	Did she apologize to you and Mr. Carson?
02:23:33	20	A. Yes.
02:23:34	<u>21</u>	<u>Q. Did she appear to be sincere in her</u>
	<u>22</u>	<u>apology?</u>
<u>02:23:38</u>	<u>23</u>	<u>A. Did she appear to be sincere? To me, no.</u>
<u>02:23:43</u>	<u>24</u>	<u>Q. Why?</u>
<u>02:23:45</u>	<u>25</u>	<u>A. I mean, because -- it didn't feel sincere.</u>

02:23:49	<u>1</u>	<u>Q. Why?</u>
02:23:53	<u>2</u>	<u>A. Because I knew that -- at that time</u>
	<u>3</u>	<u>that -- well, just because of her body language.</u>
02:24:01	<u>4</u>	<u>Q. What's that?</u>
02:24:04	<u>5</u>	<u>A. As we discussed before, the facial</u>
	<u>6</u>	<u>expressions, the smirking, the non-eye contact. So,</u>
	<u>7</u>	<u>I didn't -- I mean, she apologized, but if you're</u>
	<u>8</u>	<u>asking if I felt it to be sincere, my answer is no.</u>
02:24:21	<u>9</u>	<u>Q. So, you -- when she apologized, you are</u>
	<u>10</u>	<u>saying that she was smirking and refusing to make</u>
	<u>11</u>	<u>eye contact with you?</u>
02:24:32	<u>12</u>	<u>A. That is what I'm saying, yes.</u>
02:24:34	<u>13</u>	<u>Q. Okay.</u>
02:24:36	<u>14</u>	<u>Because, before, you didn't like it that</u>
	<u>15</u>	<u>she didn't smile at you. So, I'm just trying to</u>
	<u>16</u>	<u>confirm what part of the body language --</u>
02:24:42	<u>17</u>	<u>A. Well --</u>
02:24:43	<u>18</u>	<u>MS. MEHTA: Hold on. Let him finish the</u>
	<u>19</u>	<u>question.</u>
02:24:47	<u>20</u>	<u>Is your question over?</u>
02:24:50	<u>21</u>	<u>MR. LOWRY: Yeah. I finished my question.</u>
02:24:51	<u>22</u>	<u>MS. MEHTA: Okay.</u>
02:24:52	<u>23</u>	<u>THE WITNESS: It was more -- it was more</u>
	<u>24</u>	<u>of a sarcastic smile.</u>
02:24:57	<u>25</u>	<u>MR. LOWRY: Okay.</u>

02:24:58	1	BY MR. LOWRY:
02:24:58	2	Q. Did you ever -- did anyone else tell you
	3	that they felt that that was an insincere apology
	4	from her?
02:25:04	5	A. No.
02:25:05	6	Q. Did you ever talk to Mr. Carson about
	7	that?
02:25:06	8	A. No.
02:25:07	9	Q. Okay.
02:25:11	10	But, in any event, the public evaluation,
	11	as far as you know, was not used in any way to make
	12	any decisions about your employment; is that
	13	correct?
02:25:23	14	A. I don't know. I can't be sure if it was
	15	or it wasn't.
02:25:26	16	Q. Okay.
02:25:26	17	<u>And do you have any information that that</u>
	18	<u>public evaluation was done because you had raised</u>
	19	<u>any of these complaints that we talked about?</u>
02:25:35	20	<u>A. And what complaints are those? The A</u>
	21	<u>through L, J, K.</u>
02:25:41	22	<u>Q. A through Z, everything we've discussed?</u>
02:25:44	23	<u>MS. MEHTA: Asked and answered.</u>
02:25:45	24	<u>But go ahead.</u>
02:25:46	25	<u>THE WITNESS: No.</u>

	1	write-ups or reprimands or emails about your
	2	performance that were valid?
02:38:23	3	A. Not that I've seen, no.
02:38:24	4	Q. Okay.
02:38:26	5	<u>You don't believe there was any failure on</u>
	6	<u>your part to do your job in any way, shape, or form?</u>
<u>02:38:31</u>	7	<u>A. Not the way that it was written up, no.</u>
02:38:33	8	Q. Okay.
02:38:42	9	<u>Do you remember getting a letter of rep</u>
	10	<u>hand in February of 2019 for not completing teacher</u>
	11	<u>evaluations?</u>
<u>02:38:48</u>	12	<u>A. I believe so.</u>
02:38:51	13	MR. LOWRY: Okay. We'll mark this
	14	Exhibit 7. And I'm going to do a share screen.
02:39:16	15	(Whereupon Defendants' Exhibit 7
02:39:17	16	was marked for identification.)
02:39:17	17	BY MR. LOWRY:
02:39:17	18	Q. Do you recognize this, sir?
02:39:19	19	It's two pages.
02:39:21	20	MS. MEHTA: You just have to say whether
	21	you recognize it or not.
02:39:24	22	THE WITNESS: Yes, I recognize it.
02:39:26	23	MR. LOWRY: Okay.
02:39:26	24	BY MR. LOWRY:
02:39:27	25	Q. And this is a letter of reprimand to you,

	1	regarding failure to complete teacher evaluations;
	2	is that correct?
02:39:33	3	A. Yes.
02:39:46	4	Q. Okay.
02:39:46	5	<u>Do you believe that this was improperly</u>
	6	<u>given to you?</u>
02:39:48	7	A. Yes.
02:39:48	8	Q. <u>On what basis?</u>
02:39:49	9	A. <u>On the basis that my workload and my</u>
	10	<u>duties were so heavy that I didn't have an</u>
	11	<u>opportunity to complete all of these teacher</u>
	12	<u>evaluations.</u>
02:39:57	13	Q. Did you complete the teacher evaluations?
02:40:00	14	A. I eventually did, yes.
02:40:02	15	Q. <u>Had you completed them as of the time you</u>
	16	<u>received this letter of reprimand?</u>
02:40:09	17	A. <u>I don't -- I don't recall, but if they</u>
	18	<u>sent this letter and said they weren't complete,</u>
	19	<u>then I would say they probably weren't complete at</u>
	20	<u>the time.</u>
02:40:20	21	Q. Okay.
02:40:21	22	<u>And it was part of your job duties to do</u>
	23	<u>teacher evaluations; correct?</u>
02:40:26	24	A. Absolutely.
02:40:26	25	Q. Okay.

02:40:26	<u>1</u>	<u>So, do you believe that this was somehow</u>
	<u>2</u>	<u>given to you in retaliation for making the</u>
	<u>3</u>	<u>complaints that you had raised?</u>
<u>02:40:39</u>	<u>4</u>	<u>When I say "the complaints that you had</u>
	<u>5</u>	<u>raised," I mean everything we've discussed so far</u>
	<u>6</u>	<u>about the various complaints you raised about</u>
	<u>7</u>	<u>McClymonds.</u>
<u>02:40:49</u>	<u>8</u>	<u>A. Yes, because in any eyes, it wasn't a fair</u>
	<u>9</u>	<u>letter of reprimand.</u>
02:40:58	10	Q. Why?
02:41:00	11	A. Well, because of the amount of duties that
	12	are -- that was heaped upon me at the school. I
	13	don't have -- there was no time -- there was very
	14	little, if any, time to, not only do walk-throughs,
	15	but to yet document and do write-ups and do
	16	interviews with teachers for teacher evaluations.
02:41:28	17	That would have -- I would have needed
	18	time off, extra time to do those types of things.
	19	And that's stuff that I had mentioned in meetings.
02:41:38	20	Q. And so, you -- do you have any direct
	21	connection between your complaints and this letter
	22	of reprimand that you received?
02:41:49	23	A. Can you ask that question again, please?
02:41:52	24	Q. Yeah.
02:41:53	<u>25</u>	<u>Do you have any documents establishing</u>

	<u>1</u>	<u>that this was given to you for any reason other than</u>
	<u>2</u>	<u>the fact that you hadn't done your teacher</u>
	<u>3</u>	<u>evaluations?</u>
<u>02:42:01</u>	<u>4</u>	<u>A. No.</u>
<u>02:42:02</u>	<u>5</u>	<u>Q. Okay.</u>
<u>02:42:03</u>	<u>6</u>	<u>And are you aware of anyone with any</u>
	<u>7</u>	<u>information that this letter of reprimand was given</u>
	<u>8</u>	<u>to you for any reason other than the fact that you</u>
	<u>9</u>	<u>hadn't done your teacher evaluations?</u>
<u>02:42:12</u>	<u>10</u>	<u>A. No.</u>
02:42:12	11	Q. Okay.
02:42:17	12	And this was issued by Mr. Scoot; correct?
02:42:21	13	A. Correct.
02:42:22	14	Q. Okay.
02:43:10	15	In your complaint, you allege that in
	16	November of 2017, Ms. Sifuentes said to you,
	17	"Cleveland, you have so much power. Why don't you
	18	work with me in forming a different narrative to
	19	keep the" -- "to the community to keep them at
	20	ease."
02:43:33	21	Do you remember that?
02:43:34	22	A. I do.
02:43:36	23	Q. When did this occur?
02:43:43	24	A. Whenever the document said it's dated.
02:43:47	25	Q. Okay.

03:11:44	1	<u>But, yet, as soon as the deadline went by,</u>
	2	<u>I got the letter of reprimand, and then I was given</u>
	3	<u>extra time to do that. That could have been done</u>
	4	<u>before the letter of reprimand. So, I just want to</u>
	5	<u>be clear on that piece; right?</u>
03:12:02	6	Also, about the false narrative, when you
	7	asked me about Ms. Sifuentes saying that I had so
	8	much time -- Why don't you work with me in forming a
	9	different narrative to the community -- yeah,
	10	absolutely, that was -- I do think she tried to get
	11	me to form a different version, a different
	12	narrative to keep the community at ease. So, that
	13	would take a lot of pressure off of her, take a lot
	14	of pressure off of the District.
03:12:36	15	Because the water was not safe. It was
	16	not safe at all. And that's something that I
	17	couldn't go along with, to put out and say, like,
	18	Oh, yeah. We're working on it. It's handled.
	19	Everything is okay, when, in fact, I knew that that
	20	wasn't true; all right?
03:12:50	21	So, I just wanted to make sure that I came
	22	across as clear as can be to those questions that
	23	you asked.
03:12:59	24	MR. LOWRY: Okay.
03:12:59	25	////

03:12:59	1	BY MR. LOWRY:
03:12:59	2	<u>Q. So, regarding the letter of reprimand, who</u>
	3	<u>did you express that you had too many duties and not</u>
	4	<u>enough time to do all of the evaluations?</u>
03:13:14	5	<u>A. Scott, Sifuentes.</u>
03:13:15	6	<u>I want to say -- I want to say -- I can't</u>
	7	<u>remember if Cenne Carroll was in that meeting or</u>
	8	<u>not, but I did -- I can't remember if she was at the</u>
	9	<u>meeting or not. JoAnne -- or, my union rep -- she</u>
	10	<u>may have been there. But -- and that was the</u>
	11	<u>circumstance.</u>
03:13:51	12	<u>Q. So, there was a meeting before you</u>
	13	<u>received the letter of reprimand where your failure</u>
	14	<u>to cheat the evaluations was discussed?</u>
03:13:59	15	<u>A. No.</u>
03:14:00	16	<u>It was just in the meeting -- right? --</u>
	17	<u>they were -- they were saying that the -- yes, I</u>
	18	<u>believe so. Because I remember stating that I</u>
	19	<u>didn't have enough time to do it because they were</u>
	20	<u>coming up -- they were upcoming -- right? -- and I</u>
	21	<u>think they were doing a time -- like a check-in,</u>
	22	<u>Where are you? Where is everybody on their</u>
	23	<u>evaluations? Blah, blah, blah.</u>
03:14:29	24	And I needed more time because I had too
	25	many things to do. I could start -- for instance, I

	1	could start doing the evaluation in the class.
	2	Something would happen -- a fight. Something would
	3	happen. An irate parent come out. I would have to
	4	stop, go back, deal with the parent.
03:14:49	5	Now the time -- if I hadn't finished that
	6	evaluation, I would have to go back spend the same
	7	amount of time, do it over again. And that's
	8	happened multiple times; right?
03:14:58	9	So, those are the things that would occur.
03:15:04	10	Q. Okay.
03:15:04	11	Where -- did you make any notes about this
	12	meeting?
03:15:07	13	A. Did I make any notes? No.
03:15:09	14	<u>Q. Do you know when the meeting occurred?</u>
<u>03:15:12</u>	<u>15</u>	<u>A. It occurred before this -- before this</u>
	<u>16</u>	<u>letter of reprimand came out. So, I would say weeks</u>
	<u>17</u>	<u>before.</u>
<u>03:15:21</u>	<u>18</u>	<u>Q. Okay.</u>
<u>03:15:22</u>	<u>19</u>	<u>How many weeks?</u>
<u>03:15:23</u>	<u>20</u>	<u>A. Maybe one to two. Maybe.</u>
03:15:24	21	Q. Who asked for the meeting?
03:15:26	22	A. I don't know. I don't recall.
03:15:32	23	Q. Do you have any memorialization of that
	24	meeting?
03:15:35	25	A. You have to repeat that. I'm sorry. I

	1	didn't understand you.
03:15:38	2	Q. Excuse me.
03:15:38	3	Do you have any memorialization of that
	4	meeting?
03:15:42	5	A. Just what I recanted.
03:15:45	6	Q. Recanted or recounted?
03:15:47	7	A. Recounted. Sorry.
03:15:49	8	Q. Okay.
03:15:56	9	Is Cenne Carroll -- she's from human
	10	resources?
03:16:00	11	A. She is.
03:16:00	12	Q. Okay.
03:16:06	13	<u>And when you expressed this concern that</u>
	14	<u>you didn't have enough time to do these evaluations,</u>
	15	<u>what was the response?</u>
<u>03:16:11</u>	16	<u>A. Got to get them done, Cleveland. Got to</u>
	17	<u>get them done.</u>
<u>03:16:19</u>	18	<u>Q. Did you ask for additional time in that</u>
	19	<u>meeting?</u>
<u>03:16:22</u>	20	<u>A. Yes.</u>
<u>03:16:22</u>	21	<u>Q. Okay.</u>
<u>03:16:24</u>	22	<u>Who did you ask for additional time from?</u>
<u>03:16:28</u>	23	<u>A. It's an open question to the people that</u>
	24	<u>were in the meeting.</u>
<u>03:16:32</u>	25	<u>Q. And what was the response?</u>

03:16:34	<u>1</u>	<u>A. I just told you it was, We got to get them</u>
	<u>2</u>	<u>done, Cleveland.</u>
03:16:39	3	Q. Okay.
03:16:40	4	Nothing else?
03:16:40	5	A. Not that I can recall.
03:16:50	6	Q. Going back to what you just clarified
	7	about this "false narrative," as you put it, what --
	8	what knowledge did you have that the water at
	9	McClymonds was not safe at that time?
03:17:06	10	A. The test results.
03:17:07	11	Q. Okay.
03:17:07	12	Were there test results that you had seen
	13	that said that there was still water that was being
	14	used that was unsafe?
03:17:23	15	A. Yes. There was -- the water was still --
	16	so, let's be clear. There's -- there's lead in all
	17	of the pipes -- all of the piping at -- most of the
	18	piping at McClymonds. Are there -- at that time;
	19	right? So, whether it's in the showers -- boy
	20	showers, girl showers, water fountains, it's just
	21	different levels of lead concentration. Like -- so
	22	there's lead all throughout.
03:18:02	23	There were some places where there was so
	24	much lead that they just had to -- they didn't even
	25	try to -- just bagged up the area, or just closed

03:29:07	1	I didn't type this up. This wasn't
	2	produced by me. I didn't type this up, but it was
	3	something that I turned over as -- as what was
	4	produced by the District.
03:29:18	5	Q. To your knowledge, was this a publicly
	6	available document?
03:29:22	7	A. To my knowledge, it was, yes.
03:29:24	8	Q. Okay.
03:29:24	9	To your knowledge was this a document that
	10	was updated regularly during the water remediation
	11	at McClymonds?
03:29:33	12	A. To my knowledge, it was something that
	13	was -- that is always continuously being updated;
	14	all right?
03:29:38	15	So, if there's something in here that
	16	wasn't correct when it was put out, it could be
	17	redacted and it could be correct now; whereas when
	18	it went out the first time, it may not have been
	19	correct.
03:29:52	20	Q. Do you have any knowledge that that's the
	21	case though?
03:29:55	22	A. I don't, but I'm just saying.
03:29:58	23	Q. Okay. Well -- all right. We'll come back
	24	to this.
03:30:29	25	<u>Have you -- you were released from the</u>

	<u>1</u>	<u>District in April 2020; correct?</u>
<u>03:30:38</u>	<u>2</u>	<u>A. I believe that is accurate, yes.</u>
03:30:40	3	MR. LOWRY: Okay. Well, let's mark this
	4	Exhibit 8.
03:31:00	5	THE REPORTER: Do you mean 9?
03:31:01	6	MR. LOWRY: I mean 9. This will be
	7	Exhibit 9. It's in the share chat, and I will do a
	8	screen share on it.
03:31:16	9	(Whereupon Defendants' Exhibit 9
03:31:17	10	was marked for identification.)
03:31:17	11	BY MR. LOWRY:
03:31:17	<u>12</u>	<u>Q. So, Mr. McKinney, this is a notice of</u>
	<u>13</u>	<u>layoff to you, dated April 24, 2020.</u>
<u>03:31:22</u>	<u>14</u>	<u>Do you see this?</u>
<u>03:31:23</u>	<u>15</u>	<u>A. I do.</u>
<u>03:31:23</u>	<u>16</u>	<u>Q. And is this the notice that you received,</u>
	<u>17</u>	<u>letting you know that you were being laid off from</u>
	<u>18</u>	<u>Oakland Unified?</u>
<u>03:31:41</u>	<u>19</u>	<u>A. I believe so, yes.</u>
03:31:42	20	Q. Okay.
03:31:43	21	<u>And did you understand that the reason you</u>
	<u>22</u>	<u>were laid off was due to lack of funds or lack of</u>
	<u>23</u>	<u>work?</u>
<u>03:31:51</u>	<u>24</u>	<u>A. That's what it says. That's not what I</u>
	<u>25</u>	<u>believe my layoff was about, but that's what this</u>

	<u>1</u>	<u>letter states.</u>
03:32:00	2	Q. And per our previous discussions, is it
	3	your belief that you were laid off because you had
	4	raised these complaints that we've discussed in a
	5	lot of detail over the last day-and-a-half?
03:32:16	6	A. Correct.
03:32:16	7	Q. Okay.
03:32:18	8	And do you have any information that, in
	9	fact, there was not a -- well, are you aware that
	10	your job was eliminated due to Board Resolution
	11	19-20-2026?
03:32:48	12	A. My job as an assistant principal?
03:32:52	13	Q. I believe you were a program manager at
	14	the time, if I'm correct.
03:33:08	15	MS. MEHTA: What's the question?
03:33:09	16	MR. LOWRY: Yeah.
03:33:09	17	BY MR. LOWRY:
03:33:10	<u>18</u>	<u>Q. Did you understand from that, that it</u>
	<u>19</u>	<u>stated that your job was eliminated pursuant to</u>
	<u>20</u>	<u>Board Resolution 1928-2026?</u>
<u>03:33:19</u>	<u>21</u>	<u>A. Yes.</u>
03:33:19	22	Q. Okay.
03:33:22	23	Do you have any information that -- well,
	24	do you believe that that board resolution was not,
	25	in fact, passed?

03:33:34	1	A. No.
03:33:34	2	I believe it was passed.
03:33:35	3	Q. Okay.
03:33:36	4	Do you know how many employees were
	5	eliminated or how many jobs were eliminated due to
	6	that board resolution?
03:33:46	7	A. I do not. No.
03:33:47	8	Q. Okay.
03:33:49	9	Have you ever undertaken to find out?
03:33:51	10	A. No, I haven't.
03:33:52	11	Q. Okay.
03:33:53	12	Have you ever spoken to anyone else who
	13	was eliminated as part of that board resolution?
03:33:58	14	A. I don't think so. Not that I can recall.
03:33:59	15	Q. Okay.
03:34:04	<u>16</u>	<u>Are you aware that that board resolution</u>
	<u>17</u>	<u>was related to budgetary constraints that required</u>
	<u>18</u>	<u>eliminating certain positions?</u>
<u>03:34:11</u>	<u>19</u>	<u>A. I do.</u>
03:34:13	20	Q. And do you have any information that
	21	there, in fact, was not any budgetary constraints on
	22	the District?
03:34:23	23	A. Can you repeat that question again?
03:34:25	24	Q. Yeah.
03:34:26	<u>25</u>	<u>Are you aware that there were not any</u>

	<u>1</u>	<u>budgetary restraints against the District?</u>
<u>03:34:31</u>	<u>2</u>	<u>A. No.</u>
<u>03:34:35</u>	<u>3</u>	<u>Q. Okay.</u>
<u>03:34:35</u>	<u>4</u>	<u>So, you would agree that there were</u>
	<u>5</u>	<u>budgetary problems at the District?</u>
<u>03:34:39</u>	<u>6</u>	<u>A. If they say so, I guess, yes.</u>
<u>03:34:43</u>	<u>7</u>	<u>Q. Okay.</u>
03:34:44	8	Do you know how your name came to be on
	9	that list or how your position came to be on that
	10	list of positions that were being eliminated?
03:34:58	11	A. I do not.
03:34:58	12	Q. Okay.
03:34:59	13	Have you ever made that inquiry?
03:35:07	14	A. No.
03:35:11	15	Q. Mr. Scott was no longer working with the
	16	District in the '19-'20 school year; correct?
03:35:18	17	A. I don't know.
03:35:18	18	You would have to ask Mr. Scott.
03:35:22	19	Q. Okay.
03:35:23	20	Was he your supervisor in the '19-'20
	21	school year?
03:35:27	22	A. Yeah. I believe I was still there, yes.
03:35:35	23	Q. Okay.
03:35:35	24	So, you think Mr. Scott was still there
	25	during the 2019-2020 school year?

	1	going to be funded the following year.
03:41:19	2	Q. How do you know that she knew that?
03:41:23	3	A. Because that was her -- that was her way
	4	of eliminating -- or, getting rid of me from
	5	McClymonds, to -- first, it was to get me to agree
	6	to this position, which I wouldn't. And the whole
	7	way that it was done was not done properly anyway.
	8	But that's another piece.
03:41:52	9	Not to mention -- well, my belief is that,
	10	yes, she knew that this position was going to be
	11	eliminated, which is the reason why she -- she
	12	demoted me to this position.
03:42:08	13	<u>Q. Okay.</u>
<u>03:42:09</u>	<u>14</u>	<u>Do you have any documents demonstrating</u>
	<u>15</u>	<u>that Ms. Sifuentes knew that this position would be</u>
	<u>16</u>	<u>eliminated the following school year when you were</u>
	<u>17</u>	<u>put in it?</u>
<u>03:42:19</u>	<u>18</u>	<u>A. No.</u>
<u>03:42:20</u>	<u>19</u>	<u>Q. Okay.</u>
<u>03:42:20</u>	<u>20</u>	<u>Do you have any other evidence</u>
	<u>21</u>	<u>demonstrating that Ms. Sifuentes had that knowledge</u>
	<u>22</u>	<u>when she put you in this position in the '19-'20</u>
	<u>23</u>	<u>school year?</u>
<u>03:42:29</u>	<u>24</u>	<u>A. No.</u>
03:42:31	25	Q. Have you ever heard from anyone or are you

04:00:43	1	A. I was.
04:00:43	2	Q. Okay.
04:00:44	3	And do you know how it came about that you
	4	were not reassigned to a teaching position?
04:00:54	5	A. I do not.
04:00:55	6	Q. Did you want to go to a teaching position
	7	or not?
04:00:57	8	A. That was not asked of me.
04:00:59	9	Q. Okay.
04:00:59	10	So, did you make any request to not go to
	11	a teaching position?
04:01:06	12	A. To not go to a teaching position?
04:01:10	13	Q. Yeah.
04:01:10	14	<u>Did you request to not go to a teaching</u>
	15	<u>position?</u>
<u>04:01:20</u>	<u>16</u>	<u>A. No. I did not make any request.</u>
04:01:22	17	Q. Did you -- did you have any decrease in
	18	pay when you went to the program manager position?
04:01:31	19	A. I did, because the program was taken away
	20	from me.
04:01:35	21	Q. What program was taken away from you?
04:01:38	22	A. The after-school program -- not the
	23	after-school. Well, it didn't happen in the
	24	after-school -- but it was a credit -- a credit
	25	program, like a credit -- I forget exactly what it

04:35:45	1	And that's as of about the '18-'19 school
	2	year?
04:35:52	3	A. Correct.
04:35:53	4	Q. Okay.
04:35:55	5	Anything -- any other physical changes or
	6	illness as a result of it?
04:36:05	7	A. Physically, no, other than that.
04:36:10	8	Q. Do you know what's caused the weight gain?
04:36:20	9	A. A lack of being able to go to work
	10	physically. Different emotions.
04:37:07	11	<u>Q. Jumping back to the water issues at</u>
	12	<u>McClymonds, am I correct that signs were put on</u>
	13	<u>water fountains that were safe to drink after they</u>
	14	<u>were tested?</u>
04:37:29	15	<u>A. I believe that may be -- yes, I believe</u>
	16	<u>so.</u>
04:37:31	17	<u>Q. Okay.</u>
04:37:32	18	<u>And were -- you know, water fountains that</u>
	19	<u>weren't safe to drink out of were taken out of the</u>
	20	<u>service or covered with bags; is that correct?</u>
04:37:42	21	A. Correct.
04:37:43	22	Q. Okay.
04:37:49	23	Are you aware of any specific information
	24	about the test results that was kept from the
	25	community or the public?


04:38:08	1	A. No.
04:38:09	2	Q. Are you aware of any information regarding
	3	the remediation process that was kept from the
	4	community or the public?
04:38:26	5	A. I'm aware of the different narratives that
	6	were put out to the public about the water being
	7	safe to drink and -- when it, indeed, wasn't. So,
	8	if that classifies in that same category, yes.
04:38:46	9	Q. That's what we already discussed earlier
	10	today?
04:38:49	11	A. Could be, yes. Part of it, yes.
04:38:52	12	Q. Okay.
04:38:57	13	A. It seemed like a similar question to me.
04:39:10	14	Q. <u>So, just going back to a question that I</u>
	15	<u>don't believe is asked and answered, as far as the</u>
	16	<u>actual concerns about water that you raised, are you</u>
	17	<u>aware of any documents showing that you were</u>
	18	<u>retaliated against for raising the water concerns at</u>
	19	<u>McClymonds?</u>
04:39:32	20	A. No.
04:39:32	21	MS. MEHTA: That has been asked and
	22	answered.
04:39:34	23	But please, go ahead.
04:39:35	24	THE WITNESS: No.
04:39:36	25	MR. LOWRY: Okay.

1 CERTIFICATE OF REPORTER

2
3 I certify that the foregoing proceedings in
4 the within-entitled cause were reported at the time
5 and place therein named; that said proceedings were
6 reported by me, a duly Certified Shorthand Reporter
7 of the State of California, and were thereafter
8 transcribed into typewriting; and that before
9 completion of the proceedings, review of the
10 transcript was requested.

11 I further certify that I am not of counsel
12 or attorney for either or any of the parties to said
13 cause of action, nor in any way interested in the
14 outcome of the cause named in said cause of action.

15 IN WITNESS WHEREOF, I have hereunto set my
16 hand this 4th day of November 2021.

17
18
19
20 

21 KATY LEONARD, CSR No. 11599

22 Certified Shorthand Reporter
23
24
25

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

---oOo---

CLEVELAND McKINNEY,

Plaintiff,

vs.

Case No. 3:20-CV-0672-JSC

OAKLAND UNIFIED SCHOOL DISTRICT,
VANESSA SIFUENTES, JAROD SCOTT,
and DOES 1 through 10, inclusive,

Defendants.

/

VIDEOTAPED REMOTE DEPOSITION OF
CLEVELAND McKINNEY

Thursday, March 31, 2022

Volume 3, Pages 521 through 623

REPORTED BY:

SANDRA L. CARRANZA, CRR, RPR, CSR 7062

Job No. 1-M16632

1 I asked directly to my supervisor and I asked
2 through Joanna, and then Joanna would -- Joanna was
3 who would coordinate the meeting. She would reach
4 out to them to coordinate the meeting.

5 Q. Okay. Did Ms. Lugin tell you that there
6 were any contractual violations related to your
7 reassignment?

8 A. Yes.

9 Q. What did she tell you about that?

10 A. That -- what I just previously stated, that
11 in the way that it was done procedurally and on a
12 timeline, it wasn't done properly.

13 Q. Okay. Ultimately, Ms. Lugin signed off on
14 your reassignment to the program manager position,
15 correct?

16 A. She signed that she was in attendance, yes.

17 Q. Okay. Did she further -- did she recommend
18 you take any further steps to grieve that?

19 A. She had me -- she instructed me to write on
20 the -- see that signature page that I was -- I can't
21 remember the exact verbiage, but that I was in
22 protest of the whole demotion situation that I was
23 having to accept in order not to be in violation of
24 job abandonment.

25 Q. And after you signed that document, did you

1 file any further grievance regarding that
2 reassignment?

3 A. My understanding was that that was the
4 final step, as far as a grievance, that I could go
5 with her or with the union.

6 Q. Okay. When you were -- when you were
7 reassigned from your assistant principal position,
8 did you want a teaching position?

9 A. I would have -- did I want a teaching
10 position? No.

11 Q. Well, you wanted to remain assistant
12 principal, right?

13 A. Correct.

14 Q. Okay. And you were ultimately reassigned
15 into a program manager position, correct?

16 A. Correct.

17 Q. Did you -- would you have preferred a
18 teaching position to a program manager position?

19 A. Yes.

20 Q. Why is that?

21 A. Well, yes and no. Yes, because a teaching
22 position, one, would have -- a teaching position
23 would have taken me away from my classification,
24 right. I was -- I mean, not a teaching position,
25 but it would have taken me away from, one, the union

1 Q. And would you have preferred a teaching
2 position over the program manager position?

3 A. I don't know. I would have probably had to
4 compare the two.

5 Q. And during that process, did you ever
6 express to anyone that you would prefer a teaching
7 position or -- yeah, that you would prefer a
8 teaching position?

9 A. Can you restate your question?

10 Q. During the reassignment process, did you
11 ever tell anyone that you would prefer a teaching
12 position?

13 A. I did tell -- no.

14 Q. Would you have considered moving to a
15 teaching position a demotion?

16 A. Yes.

17 Q. With your reassignment, can you explain to
18 me how your duties changed from -- when you were
19 assigned from assistant principal to program
20 manager?

21 A. They changed significantly. I was -- I was
22 no longer in charge of discipline, so all my
23 authority was taken away in that area. All my
24 authority was taken away academically. Not only my
25 authority, but my ability to help students in

1 situations academically and with issues and/or
2 concerns that I would have been able to do in the
3 assistant principal position. So students lost out
4 on a lot.

5 Q. Anything else that changed?

6 A. Yeah, my time -- my job times changed.

7 Q. From what to what?

8 A. I believe now they were from 8:30 to
9 4:00 p.m., I believe.

10 Q. What were they before that?

11 A. They were from 9:00 until, 9:00 a.m. until
12 daily.

13 Q. Okay. So you worked less hours as a
14 program manager?

15 A. I worked less hours as a program manager,
16 but the meaning of that means that I have less
17 effectiveness on campus with students, teachers,
18 issues and community members.

19 So it was a way of taking me away from all
20 of that, having influence or being able to work with
21 these stakeholders, effectively.

22 (Reporter clarification.)

23 MR. LOWRY: Q. You remained in charge of
24 facilities; is that correct?

25 A. Yes.

1 O. And --

2 A. In title.

3 O. Do you feel that that didn't happen in
4 practice?

5 A. No.

6 O. Based on what?

7 A. Based on all of the different things
8 that -- all the different obstacles that were put in
9 front of me in order to remedy and rectify the
10 physical conditioning of the school.

11 O. What obstacles were put in front of you?

12 A. Obstacles in regard to lead in the water,
13 obstacles about the physical condition of the locker
14 rooms, obstacles about rats, the rodent population
15 at the school, the roaches population. So just
16 ongoing -- ongoing issues, facility issues at the
17 school.

18 No longer being an assistant principal, I
19 did not have the authority or I didn't -- to reach
20 out to certain entities that I would have as the
21 assistant principal, because those entities could
22 say, "So, Mr. McKinney, you are not the assistant
23 principal anymore."

24 So that now would put another barrier. I
25 would have to go through more red tape or I'd have

1 to do more just to get things done where I didn't
2 have to do that as being in charge as the assistant
3 principal.

4 Q. What entities told you that you weren't
5 assistant principal so they couldn't help you?

6 A. It's not that they told me that I'm not the
7 assistant principal. It's the responses or the lack
8 of responses that I would get as -- with not having
9 that job title.

10 Q. Okay. Who did you not get responses from?

11 A. It could be B&G. It would be district
12 officials.

13 Q. Any specific examples where you believe you
14 didn't get a response?

15 A. It's just -- it's harder, right. It's --
16 as an assistant principal, I may have gotten a
17 response within 24 hours. As program manager, I may
18 not have gotten a response in two, three weeks.

19 Q. Is there a particular instance that you can
20 identify where that happened?

21 A. All of the instances that I just told you
22 about the facilities. It happened in all the
23 different cases.

24 Q. Was anyone else -- once you were program
25 manager, was anyone else at the school in charge of

1 inquiries and requests?

2 A. That and -- not only that, but also just --
3 it just made it much more difficult to go about
4 attending to students, parents, and the community's
5 needs.

6 Q. So are there any specific obstacles that
7 you can identify that were put --

8 A. Yes. Well, let's take one of the major
9 things as discipline, right. So when students would
10 come to my office in situations that I would resolve
11 immediately or as quick as possible, I am no longer
12 in the position to or have the authority to tell a
13 teacher A, B, and C should happen, because I'm no
14 longer their direct supervisor.

15 Q. Okay. Anything else that you feel was an
16 obstacle?

17 A. That's a huge obstacle because that's
18 dealing with student needs. Additionally, parents
19 would come to the school, right. Mr. McKinney, I
20 know you can get this handled. You handled this --
21 you handled this for him before. Can you do A, B,
22 and C. And I can't do A, B, and C anymore because I
23 don't have the authority to do A, B, and C to help
24 you move forward in an area that they may -- that
25 they have been asking for help in because that's not

1 A. Ultimately, I wanted help with moving our
2 school forward. I didn't feel that it was
3 progressing like it should have. I felt that when I
4 spoke up or had -- or I had a disagreement with
5 certain things, that I wasn't being heard, and it
6 wasn't for the betterment of our school, our
7 students and our community.

8 Q. What retaliatory practices did you believe
9 Vanessa was using?

10 A. Ultimately, she demoted me.

11 Q. Okay. Anything besides the demotion that
12 you believe was retaliatory practice?

13 A. Yeah. Well, there were false incident
14 write-ups. I got letter of reprimands for false
15 incident or -- or write-ups that occurred that were
16 supposed to be retracted, but they never were.
17 E-mails about things that were written that did not
18 happen. They were inaccurate. Investigations that
19 were placed upon me unnecessarily, public
20 evaluations done of me.

21 Q. The public evaluation was in 2017, wasn't
22 it?

23 A. I can't recall what year it was in, but it
24 was one of the -- your question was about
25 retaliatory practices. So that was one of them.

1 Q. What investigations are you referring to?
2 Is that the one regarding the parking and paying for
3 parking at games?

4 A. That's one, yes.

5 Q. Any others?

6 A. There was one also where HR questioned me
7 about me taking time off for a vacation when I had
8 already been given permission to take time off for
9 vacation, and that was another investigation
10 conducted by AR -- or HR, I should say.

11 Q. Any other investigations?

12 A. There was another investigation about -- or
13 the lack of or a poor investigation done about a
14 child being hit, struck physically in my office by a
15 staff member that was supposed to be a total
16 investigation, but it wasn't.

17 Q. So do you believe that that -- do you
18 believe the lack of that investigation was in some
19 way evidence of Vanessa Sifuentes retaliating
20 against you?

21 A. Absolutely, because it wasn't done -- it
22 wasn't done in the spirit of trying to find what
23 actually happened. It was done in the spirit to
24 disprove me.

25 Q. Are you aware of what involvement, if any,

1 appears that it's clear.

2 Q. I'm just wondering who it was specifically
3 that told you that the way the district was doing
4 things was not appropriate?

5 A. You can see. Nobody had to tell me that
6 they weren't doing things properly. You could see.
7 And, ultimately, the testing shows, right, that
8 there's still lead in the water. Everything that
9 they tried to do, they did all these Band-Aid
10 remedies, and then you come behind them, okay.
11 Well, let's try it. Do you want to try that? All
12 right, let's do it. Let's see if it works. And you
13 come behind them with the testing, and the testing
14 still shows that there's still lead in the water.

15 Q. So no one -- there's no one specific who
16 told you that what the district was doing was not
17 appropriate?

18 A. Mr. Lowry, no one had to tell me that it's
19 not appropriate. If -- if you have a test and the
20 test says that it's higher, the lead concentration
21 is way higher than it should be, and then you say
22 we're going in to fix it and you go in to fix it and
23 you say it's fixed, and when we come back to check
24 to see if the lead concentration is still there, and
25 if it's still there, that tells you that whatever

1 you did did not work. No one had to tell me that.

2 Q. Did you ever meet with any professionals in
3 the field of lead remediation?

4 A. We had -- yes. We had -- we had -- we had
5 quite a few testing people that came. We had East
6 Bay MUD. We had some other outside entities. Can't
7 remember the name offhand of the -- we had some
8 different county people to come in. We had other
9 builders and contractors come in.

10 So, yes, we met with -- I met with various
11 different people in the field -- in their field.

12 Q. Did any of them tell you that the way the
13 district was going about remediating the lead was
14 not appropriate?

15 A. Yes.

16 Q. Who?

17 A. I need to -- all the different entities.
18 The tests showed us. Whomever was responsible for
19 the test, that's telling us that whatever is being
20 done is not being done properly. The different
21 entities that came from the county and city and the
22 East Bay MUD. All those different entities are
23 telling us that the lead is still in the water,
24 which tells us that whatever you're doing, it's not
25 appropriate.

1 Q. Did anyone actually specifically say what
2 the district is doing isn't right or is
3 inappropriate?

4 A. Mr. Lowry, words don't matter. Numbers
5 matter. The words -- the numbers are factual. All
6 right. So someone can come and tell me, Cleveland,
7 it's okay, and I can say okay, and I can take their
8 words at it. No, let me actually fact-check. And
9 that's what a lot of this is about. It's about
10 evidence and fact-check.

11 I had evidence that showed me that the
12 count was too high. I don't need someone to tell me
13 that it's -- I don't need the paper to say that it's
14 above the bits-per-billion. And I see that. I can
15 see that the test is coming back and telling me.
16 And then I get in a meeting and the district person
17 says it's okay, then I go along with that. I know
18 that's not true.

19 Q. So your -- your feeling that the district's
20 actions to remediate the water were insufficient or
21 inappropriate is based on your interpretation of the
22 test results; is that correct?

23 MS. MEHTA: Misstates testimony. Go ahead.

24 THE WITNESS: It's based on the test
25 results. It's not my interpretation of it. It's

1 based on what the results are, which is fact --
2 which is evidence.

3 MR. MCKINNEY: Q. Did you reach the
4 conclusion that the district was not doing the right
5 things to remediate the water based on anything
6 else?

7 A. It's not just the fact that they were doing
8 not the right things. It's how they were doing
9 things. How long it took, right. It was
10 reported -- I believe, I reported it in 2016, and to
11 this day there's still lead on campus. I'm not even
12 there and I still hear about it.

13 There's still -- I went to a football game,
14 the state football game, there's still unoperative
15 water locations on campus. The school is still not
16 re-piped, so the lead still exists.

17 Those are facts. It's not what I'm
18 thinking or it's not my opinion. These are all
19 facts. They can all be proven.

20 Q. And has any professional ever told you that
21 the way the water was remediated or the actions
22 that -- strike that.

23 Has any professional ever told you that the
24 way the district went about remediating the water
25 was improper?

1 Q. Are you -- are you receiving any type of
2 disability income?

3 MS. MEHTA: I'm going to object to this
4 because -- I'm going to instruct you not to answer.
5 It goes into -- goes into right to privacy,
6 financial issues. It's not going to come in at any
7 point in this proceeding.

8 MR. LOWRY: It goes to wage loss, Counsel,
9 and whether he's able to work.

10 THE WITNESS: Can we take a quick break?

11 MR. LOWRY: Sure.

12 THE VIDEOGRAPHER: Going off the record.
13 The time is -- hold on -- the time is 12:00 o'clock.

14 (Recess taken.)

15 THE VIDEOGRAPHER: Back on the record.
16 Time is 12:02.

17 MR. LOWRY: Q. Mr. McKinney, are you
18 currently receiving any disability benefits?

19 A. No.

20 Q. Do you have any disability that's
21 preventing you from working?

22 A. No.

23 Q. In the 2018/'19 school year, did you -- is
24 it your contention that you, in fact, completed all
25 necessary teacher evaluations that were assigned to

1 you?

2 A. Excuse me. Can you ask you me that
3 question again. I'm sorry.

4 Q. Yeah. For the '18/'19 school year, do you
5 contend that you completed all the teacher
6 evaluations for the teachers that you were required
7 to do evaluations for?

8 A. Yes.

9 Q. And do you have any evidentiary -- any
10 documents to show that?

11 A. Yes, the documents that were completed and
12 handed in at the completion of my
13 observations/evaluations.

14 Q. Okay. And do you remember that those were,
15 in fact, A1 observation forms and not final
16 evaluation forms?

17 A. Can you say that again.

18 Q. Yeah. Do you recall that those were A1
19 evaluation forms or observation forms, not final
20 evaluation forms?

21 A. Correct.

22 Q. Okay. And how many teachers did you have
23 to do reviews for in the '18/'19 school year?

24 A. I believe there were maybe six on my list,
25 maybe. Maybe six or seven. Five or six on my list.

1 REPORTER CERTIFICATE

2 I, the undersigned, a Certified Shorthand
3 Reporter of the State of California, do hereby
4 certify: That the foregoing proceedings were taken
5 before me at the time and place herein set forth; that
6 any witnesses in the foregoing proceedings, prior to
7 testifying, were duly sworn; that a record of the
8 proceedings was made by me using machine shorthand which
9 was thereafter transcribed under my direction; that the
10 foregoing transcript is a true record of the testimony
11 given to the best of my ability.

12 Further, that if the foregoing pertains to
13 the original transcript of a deposition in a Federal
14 Case, before completion of the proceedings, review
15 of the transcript [] was [] was not requested.

16 I further certify I am neither financially
17 interested in the action nor a relative or employee
18 of any attorney or party to this action.

19 IN WITNESS WHEREOF, I have this date subscribed my
20 name.

21 Dated: April 11, 2022

22 

23 SANDRA L. CARRANZA
24 CSR No. 7062
25

EXHIBIT B

EXHIBIT B

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA

---oOo---

CLEVELAND MCKINNEY,

Plaintiff,

vs.

No. 20-cv-06792-JSC

OAKLAND UNIFIED SCHOOL

DISTRICT, VANESSA SIFUENTES,

JAROD SCOTT, in their personal

capacity, and DOES 1-10,

inclusive,

Defendants.

_____/

VIDEOCONFERENCE DEPOSITION OF VANESSA SIFUENTES DIMAANO
PORTIONS OF THIS TRANSCRIPT ARE CONFIDENTIAL

Taken before MICHELE J. LUCAS

CSR No. 4017

March 9, 2022

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ARE CONFIDENTIAL AND BOUND SEPARATELY

Page 1

1 A. I was not teaching. I was observing and
2 coaching teachers.

3 Q. And then you began at OUSC in around
4 June 2015; is that right?

5 A. Yes.

6 Q. As a school improvement partner?

7 A. Correct.

8 Q. And that was for one year?

9 A. Yes.

10 Q. Did -- do you know whether superintendent
11 Antoine Wilson created this job, or did it already
12 exist?

13 A. I don't know who created the position.

14 Q. And then you became the coordinator of
15 Elevation High Schools at OUSC for four months?

16 A. That's correct.

17 Q. And then you were hired in November 2016 as
18 executive director of high school instruction with
19 OUSC; is that right?

20 A. Yes. That's correct.

21 Q. And was that a new position?

22 MR. LOWRY: Objection. Vague.

23 THE WITNESS: I don't know when the position
24 was created exactly.

25 ///

1 community constituents; meetings with students.

2 That's what I can recall at the moment.

3 Q. Okay. Did you attend Culture and Climate
4 meetings?

5 A. If I was there for an observation, both formal
6 and informal, yes, I would have attended Culture and
7 Climate team meetings.

8 Oh, I would also add attendance team meetings,
9 yes.

10 Q. Who did you observe at Culture and Climate
11 team meetings?

12 A. My observations were generally of Mr. Scott in
13 those places.

14 Q. And would you call yourself Mr. Scott's
15 supervisor?

16 A. Yes.

17 Q. And how many Culture and Climate meetings did
18 you attend over the span of November 2016 to the end of
19 the school year '18/19?

20 A. I couldn't tell you off the top of my head.
21 I'd have to look at my notes.

22 Q. Let's just start with, you know, in 2018/2019,
23 how many -- what's your best estimate?

24 A. Perhaps two, maybe three.

25 Again, I would have to look at notes to know

1 different people -- with different people about Culture
2 and Climate at the school: Mr. McKinney; Mr. Scott;
3 Mr. Humphrey; Garrett, he was school security officer
4 at the time; perhaps Don Humphrey, that's the community
5 school manager.

6 Those are the people that come to mind at the
7 moment.

8 BY MS. MEHTA:

9 Q. Okay. Did you talk to Coach Peters?

10 A. Um, I may have had, you know, informal
11 conversations with Coach Peters about Climate and
12 Culture as well. That's not out of the realm of
13 possibility.

14 Q. How about Relonda McGhee?

15 A. I can't recall exactly what kind of
16 conversations I had with Mrs. McGhee. They may have
17 included Culture and Climate, but I can't tell at the
18 moment for certain.

19 Q. How about Brian McGhee?

20 A. Possibly Mr. McGhee as well.

21 Q. How about Blackwell?

22 A. Um, as we started just the facilitator, yes, I
23 likely, or I may have had conversations with him about
24 school culture.

25 Q. Was there a written plan for Culture and

1 Climate in the time period that we've been discussing?

2 A. I think there may have been iterations of a
3 plan or different documents that described how the
4 school was going to approach creating a positive
5 Culture and Climate, but I can't recall one specific
6 document or a comprehensive document.

7 Q. All right. And whose responsibility was it to
8 produce a written plan?

9 Well, let me ask you this: Was there a
10 responsibility to produce a written plan about it?

11 A. Yes. That is generally a deliverable for a
12 school site. Things like a six-week culture plan,
13 behavior expectations, things like that would be
14 expected.

15 Q. And whose job was it?

16 A. Generally, it's assigned to an administrator
17 at the school site to create -- or to work with others
18 to create those documents.

19 So it might be -- at McClymonds specifically,
20 it would have lived either with Mr. McKinney or
21 Mr. Scott.

22 Q. Do you recall specifically which one of them?

23 A. From my recollection, the work of Culture and
24 Climate was, for the most part, identified as belonging
25 in Mr. McKinney's work stream.

1 Q. So you wouldn't -- so would you say that it
2 was his idea or your idea?

3 A. His idea for what specifically?

4 Q. To demote Mr. McKinney, to recommend that
5 demotion.

6 A. It was based on his concerns that he had
7 raised in the past about Mr. McKinney's performance.
8 So it came up in conversation, and I agreed with his
9 assessment.

10 Q. So did he raise it, or did you?

11 A. I can't recall exactly which one of us or when
12 exactly it came up, but it had been part of the
13 conversation.

14 Mr. McKinney's performance and concerns around
15 his performance had been part of the conversation
16 between us.

17 Q. You just testified that you were in agreement
18 about the demotion.

19 So can you please tell me all the reasons you
20 believe Mr. McKinney should have been demoted in 2019.
21 I guess that would be the February and June 2019
22 recommendation for demotion.

23 MR. LOWRY: Objection to the extent it calls
24 for a narrative response.

25 THE WITNESS: So I would, you know, I would

1 say that my assessment of that situation was based on
2 Mr. Scott's feedback about Mr. McKinney:
3 Mr. McKinney's lack of completion of assigned
4 deliverables; Mr. McKinney's lack of communication
5 about attendance at work; Mr. McKinney's -- oh, how can
6 I describe it? -- Mr. McKinney not supporting
7 directives that came from Mr. Scott as principal or at
8 times contradicting them.

9 So those were, those were, you know, some of
10 the reasons why I agreed with the recommendation to
11 reassign Mr. McKinney.

12 BY MS. MEHTA:

13 Q. And you said some of the reasons. What are
14 the rest of the reasons?

15 A. I'd have to go back and look at what Mr. Scott
16 plugged into the evaluation documents, to be specific,
17 but those are, in general, the reasons that I agreed
18 with the recommendations for reassignment.

19 Q. You said Mr. McKinney's lack of completion of
20 assigned deliverables.

21 Please describe what deliverables.

22 A. So teacher evaluations; completion of the
23 end-of-year deliverables checklist, closeout checklist,
24 tasks that would have been assigned for him to complete
25 prior to the close of school; documents that outline

1 policy and procedures for students and teachers for the
2 climate at the school.

3 And then there were, you know, there might
4 have been past or specific tasks that might have been
5 assigned to Mr. McKinney that were not completed or
6 followed through on.

7 Q. Okay. So as far as teacher evaluations, are
8 you referring to the February 2019 teacher evaluations,
9 or is there more than that?

10 A. From what I recall, there were several years
11 where Mr. McKinney's teacher evaluations were not
12 completed.

13 Q. When you became aware that Mr. McKinney's
14 evaluations were not complete before 2019, what action
15 did you take?

16 A. I would have spoken to his supervisor and
17 asked, "Have you spoken to him about this? What plan
18 have you put in place? Do you know why the evaluations
19 were not completed?"

20 So I would raise it to Mr. McKinney's
21 supervisor.

22 Q. Do you recall that any discipline was issued
23 to Mr. McKinney regarding not completing evaluations?

24 A. I don't recall off the top of my head, no,
25 with the exception of what was documented in the

1 the custodian when?

2 Q. From 2016 to the end of the school year
3 '18/19.

4 A. I'm sure he had conversations. Like, I would
5 imagine that they had conversations, Mr. McKinney and
6 the custodial team, at the school site over that period
7 of time.

8 Q. Okay. Now, you talked about, you talked about
9 lots of communication about Mr. McKinney's attendance
10 at work, right?

11 A. I mentioned something about communications
12 about his attendance at work, yes.

13 Q. And you directed Mr. Scott to coordinate
14 absences with Mr. McKinney, right, for both of them to
15 coordinate with each other?

16 You directed him to do that, right, Scott?

17 A. Yes.

18 Q. You said that Mr. McKinney did not support
19 Scott's directives or contradicted them.

20 Please tell me what that means, specific
21 details.

22 A. There may have been conversations about
23 keeping things confidential that were not kept
24 confidential that Mr. Scott had asked.

25 Mr. Scott asking Mr. McKinney to complete

1 certain tasks, and then Mr. McKinney saying, "No.
2 That's outside of my scope of work" or "that's not my
3 job."

4 And informal conversations where it was
5 brought to my attention through staff conversations
6 that if Mr. Scott would have given -- if Mr. Scott gave
7 a directive, that Mr. McKinney would sometimes
8 communicate that he wasn't going to do it.

9 So it's hard to recall because there were
10 several instances of -- like those that were relayed
11 but, you know, it was Mr. McKinney openly communicating
12 his disagreements with Mr. Scott.

13 Q. Okay. This was the first place -- OUSD was
14 the first place he worked that had unions, right?

15 A. That's correct.

16 Q. Okay. When you're talking about the
17 conversations -- let me start with the last one --
18 informal conversations that staff brought to your
19 attention, what staff?

20 A. Teachers, office staff, um --

21 Q. Please provide names.

22 MR. LOWRY: Can you let her finish her answer
23 before you interrupt her.

24 BY MS. MEHTA:

25 Q. Please provide names. Thank you.

1 A. And you're asking about staff who told me
2 about Mr. McKinney's disagreements or publicly
3 disagreeing?

4 Q. Yes.

5 A. It would be difficult to name exact people at
6 the moment. It was -- because it was, it was a number
7 of years ago. There were people -- oh, gosh.

8 I seem to recall a conversation with
9 Mr. Humphrey Garrett at one point; students making
10 vague comments, like, you know, "Well, they don't even
11 get along," meaning -- referring to Mr. Scott and
12 Mr. McKinney.

13 So, you know, it was it was generally
14 understood that Mr. McKinney was not in agreement with
15 Mr. Scott.

16 Q. Anyone else you can specifically name that
17 brought to your attention that Mr. McKinney disagreed
18 publicly with Mr. Scott?

19 A. Not at the moment, but if I recall anyone else
20 I will let you know.

21 Q. Did you review any documents for this, to
22 prepare for this deposition?

23 A. No.

24 Q. You said Mr. McKinney was to complete certain
25 tasks and he said no.

1 Did you personally observe this that behavior?

2 A. Yes. Between -- in meetings with Mr. Scott
3 and Mr. McKinney when Mr. Scott -- I'm sorry -- when
4 Mr. McKinney would bring -- like, if he brought up a
5 concern about an individual on campus, a staff member,
6 he would ask things, like, "Well, what are you going to
7 do about it?"

8 Mr. Scott might have asked him, you know,
9 "Well, how are we going to solve this problem?"

10 And Mr. McKinney would make comments like,
11 "Well, that's why I brought it to you," implying that
12 it was Mr. Scott's job to solve the whatever concern or
13 issue he was raising.

14 Q. Was it?

15 A. It was both of their jobs.

16 Q. So did you observe them engage in productive
17 conversations about how to solve this problem?

18 A. I observed them to discuss whatever issues
19 Mr. McKinney brought up, and it was very rare for
20 Mr. McKinney to walk away with the next step.

21 So next steps generally lived with Mr. Scott.
22 I did not see Mr. McKinney take initiative to address
23 the concerns or issues, individual issues, that he was
24 raising.

25 Q. Do you remember any of the specifics of these

1 issues?

2 A. I would have to look at my meeting notes, but
3 things, like, any concerns about teachers, about
4 teacher discipline practices, concerns about staff,
5 like, just other non-classroom staff; concerns about
6 discipline issues, like, individual student discipline
7 issues; suspension; investigations around student
8 discipline matters or behavior.

9 Q. Let me ask, Ms. Sifuentes, is it your
10 contention that Mr. McKinney was not working hard at
11 Mack?

12 A. My contention that he was not working hard?
13 It's my contention that he was not working hard?

14 I would say that Mr. McKinney was not focused
15 on the priorities that his principal had tasked for
16 him.

17 It was hard to gauge Mr. McKinney and how hard
18 he was working because he spent the majority of his
19 time inside his office. He spent a lot of time in his
20 office.

21 He may have been doing other things, you know.
22 He may have been doing things around facilities. I
23 know that that was an area that he took, he took a lot
24 of care around.

25 Athletics, he took a lot of care around

1 athletics.

2 But my observation was that he was not working
3 hard on the things that his principal asked him to work
4 on.

5 Q. Like what?

6 A. Like teacher evaluations, like, supporting
7 teachers with discipline issues; creating systems for
8 the school to support positive Climate and Culture.

9 Q. And as you were there about once a week, how
10 did you know that he spent the majority of his time in
11 his office?

12 MR. LOWRY: Objection. Misstates testimony.

13 THE WITNESS: That was based on my
14 conversations with Mr. Scott, and students, staff,
15 parents also brought that up from time to time.

16 BY MS. MEHTA:

17 Q. So Scott told you that. And who else?

18 I'm looking for names. Who told you that
19 Mr. McKinney spent most of his time in his office?

20 A. Prior to Mr. Scott, Mrs. McCune, Ms. Alberta
21 Smith.

22 I recall a teacher perhaps bringing it up,
23 maybe several teachers, but I couldn't tell you
24 their -- I couldn't tell you what their -- I can't
25 recall exactly what teacher or teachers it was.

1 BY MS. MEHTA:

2 Q. Now, in or around September 2017, you did a
3 locker room walkthrough with Mr. McKinney.

4 Do you recall that?

5 MR. LOWRY: I think we can go off
6 confidential.

7 MS. MEHTA: Off the confidential.

8 BY MS. MEHTA:

9 Q. In or around 2017, you did a walkthrough with
10 Mr. McKinney; is that right?

11 A. Yes. That sounds correct.

12 Q. And in your view what was the condition of
13 that locker room?

14 A. There were items that needed to be repaired.
15 The locker room may have needed to be cleaned. The
16 lockers seemed outdated.

17 Q. Okay. And do you recall any conversation you
18 had with Mr. McKinney about the locker room?

19 A. Yes. I believe Mr. McKinney was raising the
20 matter of -- or the need to provide updated lockers
21 specifically for the football team.

22 Q. And just go ahead and describe the
23 conversation to me, please.

24 A. We were talking about the lockers, the need
25 for students in -- students on the football team

1 needing a locker where they could fit their equipment.

2 And I think then we shifted to, you know, can
3 the district pay for it, I said: "I don't know. Maybe
4 we can fund raise for new lockers."

5 Q. Maybe who can fund raise?

6 A. The general "we," the school, the district,
7 you know, trying to find resources elsewhere.

8 Q. Did you make any efforts to fund raise through
9 the district -- strike that.

10 Did you make efforts to secure money to the
11 district to repair those locker rooms?

12 A. I did not. That was the last conversation. I
13 think I maybe had one conversation about lockers.

14 Q. Did you tell Mr. McKinney that he should fund
15 raise?

16 A. I don't recall.

17 Q. Sorry. Go ahead.

18 A. I don't recall if I said "he" -- my
19 recollection is "we" as in I meant, you know, it was a
20 collective effort.

21 I certainly would not have put the onus of
22 raising funds just on one person.

23 Q. Well, I mean, you are the liaison for the
24 district, right? Right?

25 A. Yes.

1 Q. When, if ever, did you take action about the
2 students having to strip down on the field?

3 A. I don't recall that being specifically
4 addressed.

5 Q. Is there anyone else who's the liaison to the
6 district for Mack?

7 A. Related to?

8 Q. Anything.

9 A. There are different departments that have
10 direct communication to the school sites, so, you know,
11 from the athletics department. So there might be other
12 folks, other people.

13 Q. And how about for facilities and grounds? Was
14 there somebody besides you who was the liaison for the
15 district?

16 A. Mr. McKinney.

17 Q. Was a direct liaison to the district?

18 A. Mr. McKinney would reach out to people
19 directly in the facilities department as it related to
20 questions of facilities issues.

21 Q. So something like the locker rooms, he should
22 have been going to the district and advocating for new
23 locker rooms?

24 A. You know, there weren't clearly delineated
25 duties as it related to the status of locker rooms

1 per se.

2 As the person most closely -- or most familiar
3 with the issues, I guess he could have.

4 Q. Are you saying that he had a relationship to
5 buildings and grounds, to that part of the district?

6 A. To my knowledge, Mr. McKinney would
7 communicate directly with employees in building the
8 grounds when things were -- whatever facilities needs
9 at the campus.

10 Q. But was it part of his job to communicate
11 directly with, like, the superintendant and her
12 administrative team, like?

13 MR. LOWRY: Objection that it calls for
14 speculation and it lacks foundation.

15 BY MS. MEHTA:

16 Q. You can answer.

17 A. I can't, say you know, that it's the
18 responsibility of an assistant principal to reach out
19 directly to the superintendent or, you know, their
20 administrative team. That's not typical.

21 It's not atypical for assistant principals at
22 high schools to contact, you know, the director of
23 buildings and grounds or people in the custodial
24 department. You know, that's not, that's not out of
25 the realm, you know. They can contact people directly

1 were for Mr. Carson.

2 I also noticed that, I don't believe that
3 that's a sampling of the entire staff.

4 Q. Were there more survey answers?

5 A. I couldn't tell you, but just from looking at
6 the number of responses, that does not match with the
7 number of people who were employed.

8 Q. And the point -- sorry. Go ahead.

9 A. It just doesn't match with -- there are fewer
10 responses than people in the building.

11 Q. The point of the survey was to read people's
12 responses, right?

13 A. I assume that that was Dr. McCune's -- that
14 was Ms. McCune's intent, yes.

15 Q. What role did you play in moving -- in
16 attempting to move Mr. McKinney's office to room 108?

17 A. I was part of conversations with Mr. Scott,
18 Mr. McKinney, and his union rep regarding the matter.

19 Q. Okay. Did you come up with the idea?

20 A. I don't believe so. I think that was
21 Mr. Scott's recommendation based on the need for
22 supervision on the first floor.

23 Q. To supervise other people on the first floor
24 or to supervise Mr. McKinney, or what do you mean?

25 A. No. The need to have an adult assigned to the

1 first floor to supervise students and to provide
2 support on the first floor.

3 Q. Okay. It came to pass that there was a
4 contract signed paying Mr. McKinney a certain amount of
5 money to manage credit recovery opportunities.

6 Do you remember that?

7 A. Yes. I have recollection of that.

8 Q. Do you understand that Mr. McKinney performed
9 the work outlined in that contract?

10 A. I can't say the extent to which Mr. McKinney
11 did that work.

12 I didn't see sign-in sheets or attendance logs
13 or anything like that that would confirm the students
14 who participated in the credit recovery program.

15 So I don't know. I didn't have specific
16 evidence that that work was completed.

17 Q. You communicated with legal about the evidence
18 that he should be paid -- well, let me ask you this.

19 Legal concluded that he should be paid for
20 that under that contract, right?

21 MR. LOWRY: Objection. Lacks foundation.
22 Calls for speculation.

23 And to the extent you had any communications
24 and learned any information directly from the legal
25 department, I'm going to instruct you not to answer on

1 A. The sequence was an officer from the Oakland
2 school police department observed that money was being
3 collected at the gate.

4 The officer then reported it to the chief.
5 The chief, the chief then reported it to the executive
6 director of community schools and student services.

7 She asked me to -- she brought it to my
8 attention, and I just, out of an abundance of caution,
9 relayed that information to HR.

10 So I may have -- yeah, that was the sequence
11 of -- that was the sequence of events. So I guess I
12 would say that it was brought to my attention, and so I
13 relayed it back to HR as a matter of, you know,
14 procedure whenever there's a concern or a question
15 raised about employee conduct.

16 MS. MEHTA: Can we put up OUSD 1053 and label
17 it whatever exhibit it is right now.

18 Do you know, Liz, what it is?

19 MS. JOHNSON: It should be 60.

20 (Exhibit 60 was marked for identification.)

21 BY MS. MEHTA:

22 Q. All right. Let's go to the bottom of the
23 page, to 1055.

24 Okay. Is this -- Andrea Bustamante, what is
25 she asking you to do here?

1 A. She was asking for our understanding of
2 McClymonds' parking fee collection and how the funds
3 are monitored.

4 Q. Why was she asking you that, to the best of
5 your knowledge?

6 A. When I reached out to her to inquire, she
7 wanted to know why that was happening because that did
8 not appear to be -- that wasn't what was happening or,
9 at least what she relayed to me, that that was not
10 necessarily standard practice during athletic events.

11 Q. So you came to find out that parking fees were
12 being collected at football games; is that correct?

13 A. Yes.

14 Q. You came to find that out through a police
15 officer?

16 A. No. I --

17 MR. LOWRY: Objection. Misstates testimony.

18 THE WITNESS: No. I learned about that from
19 Andrea Bustamante who was -- I learned about the
20 observation of parking fees being collected from Andrea
21 Bustamante.

22 She later explained to me that the reason --
23 or she became informed about it because one of our
24 school police officers observed it and then relayed it
25 to their supervisor who then relayed it to Andrea.

1 BY MS. MEHTA:

2 Q. And did the school police officer observe
3 Mr. McKinney collecting fees?

4 A. I don't know what they observed. I don't know
5 who they observed collecting fees.

6 Q. Did you understand that it was Mr. McKinney
7 collecting fees?

8 A. I did not understand that it was -- no. I
9 didn't know who it was that was collecting fees at the
10 door. The email just said "Mack's parking fee
11 collection."

12 Q. Okay. Did you come to understand that it was
13 Mr. McKinney collecting the fees?

14 A. I don't recall. I would imagine that he
15 might, he might have had some knowledge of it, or
16 potentially, because he was over athletics, but I can't
17 say for certain.

18 Q. Did you tell Scott to look into the matter?

19 A. If he look at the -- I'm sorry. Can you
20 scroll up?

21 I believe I did. So I mentioned that I would
22 follow up with Jarod.

23 I recall that we did have a conversation about
24 it. And if you scroll up some more.

25 Q. Yes. Go ahead.

1 A. If you could scroll up to the prior page.

2 I spoke to Jarod about it, and then I
3 contacted Cenne, who works in the talent department,
4 because anything involving staffing or individual staff
5 members goes through HR.

6 Q. Okay. So, so I can see there in that email --
7 so let me -- so you asked Scott to do it, and then it
8 looks like Cenne is saying back to you: "Wasn't that
9 what Jarod asked McKinney last week, and he answered
10 with a question about where uniform fees went? Where
11 does that money go?"

12 Was that about another topic now, or is that
13 still about parking fees?

14 Or can you explain to me what's going on in
15 this exchange on this first page?

16 MR. LOWRY: Objection. The document speaks
17 for itself. And objection to the extent it calls for
18 her to speculate.

19 THE WITNESS: So, if I recall correctly, that
20 segment dated September 10, 11:48, a.m., I believe
21 Cenne was referencing -- we may have been in a group
22 conversation because Cenne is referencing it, "wasn't
23 that what Jarod asked of McKinney last week, and he,"
24 meaning Mr., McKinney, "answered with a question about
25 where uniform fees went? Where does that money go?"

1 So that's referencing a conversation where, if
2 I recall correctly, Mr. Scott asked Mr. McKinney about
3 the parking fees, and Mr. McKinney's response was,
4 "Well, what happens with uniform fees? Where does that
5 money go?"

6 So that's -- I believe that's what that's
7 referencing there.

8 BY MS. MEHTA:

9 Q. And then you respond right above that, that:
10 "Yes. I believe Jarod asked McKinney last week but
11 didn't get an answer, which is why I think there may
12 need to be a more formal investigation."

13 You wrote that, right?

14 A. Yes. It appears so.

15 Q. What were you trying to investigate?

16 A. Mr. McKinney did not answer Mr. Scott's
17 question. So I thought it might be better or easier
18 for someone else to ask the question of Mr. McKinney.

19 Q. Did you think that Mr. McKinney was embezzling
20 parking fee funds?

21 A. No. I didn't.

22 Q. Do you think he was doing something wrong
23 about collecting money for parking?

24 A. No. I was operating off of what Andrea
25 Bustamante brought to my attention, you know, and we

1 wanted to get clarity on it.

2 Q. And the conclusion was that there was -- human
3 resources found no misconduct by Mr. McKinney; is that
4 right?

5 A. I don't recall exactly. I'm not privy to
6 whatever the investigation results were specifically
7 for Mr. McKinney.

8 Q. Did you try and learn the results of the
9 investigation?

10 A. I may have reached out to Cenne if the
11 investigation had concluded.

12 Q. Did you ever come to understand what was the
13 policy for collecting fees?

14 A. Yes. I mean, subsequently I learned that the
15 policy for collecting fees involved depositing those
16 funds into a school-based account, tracking those funds
17 via, you know, via accounting system, but that, you
18 know, that happened after this particular situation.

19 Q. You met with Mr. McKinney on May 7th, 2019,
20 May 15th, 2019, May 21st, 2019, and June 25th, 2019, to
21 talk to him about creating a different type of position
22 for him; is that right?

23 A. Generally, in that vicinity of time, yes.

24 Q. And can you describe what happened in those
25 meetings?

1 A. Sure. My recollection was that -- or is that
2 I reached out to Mr. McKinney to talk to him about the
3 following school year.

4 I was aware of the notice of reassignment, and
5 I knew that, you know, to the best of my knowledge by
6 that point, you know, there was a possibility that he
7 wasn't going to return to McClymonds as assistant
8 principal.

9 I wanted to talk to him about other
10 possibilities so that he could continue to work at
11 McClymonds and support the students at Mack.

12 Q. So you wanted him to stay at Mack?

13 A. That was my recommendation.

14 Q. To who?

15 A. To HR.

16 Q. When did you first start speaking to human
17 resources about reassigning Mr. McKinney?

18 A. I don't recall exactly. I couldn't tell you
19 with any specificity. I'm sorry.

20 Q. After the February 2019 demotion
21 recommendation or before then?

22 A. I can't recall. Must have been sometime that
23 spring in planning for the subsequent school year.

24 MS. MEHTA: Let's take a short break. Let's
25 take a ten-minute break.

(Recess taken)

BY MS. MEHTA:

Q. There was a point in time when Mr. McKinney received a memo of concern regarding certain teachers: Hang, Sanchez, Kabasis and Smith.

Is that right?

A. I believe so. Yes.

Q. And it came to be that no further discipline was issued; is that right?

A. I'm not aware -- oh, further. I'm sorry.

Further discipline pertaining to a specific issue or related to that memo of concern?

Q. Related to the issues in that memo of concern.

A. I wasn't aware of any subsequent letters or any memos after that one, no.

Q. It came to be that, that there was no substance found to those teachers complaint; is that right?

A. Um, I wouldn't -- no, I wouldn't characterize it as that.

Q. How would you characterize it?

A. I mean, I think people expressed their concern based on their experiences with Mr. McKinney.

So, you know, to that extent, that was the substance around their complaints and concerns about

1 how Mr. McKinney interacted with them.

2 Q. Okay. Let's put up OUSD 1023 and mark that as
3 the next exhibit, which I think is 61.

4 (Exhibit 61 was marked for identification.)

5 BY MS. MEHTA:

6 Q. So does that look familiar to you,
7 Ms. Sifuentes?

8 A. Yes.

9 Q. Okay. And then, scrolling down, you can
10 see -- you can stop right there.

11 This is Cenne Carroll-Moore writing to you
12 about Mr. Sanchez; is that right?

13 A. Can I have a moment to read it?

14 Q. Of course, yeah.

15 And if you, Liz, if you don't mind scrolling
16 to the top.

17 A. Okay. You can scroll down.

18 Okay.

19 Q. So let's go up to the top there. Oh, sorry.
20 Did you read the whole thing?

21 A. I read up to Cenne's response.

22 Q. Uh-huh.

23 A. It was above what is currently shown on the
24 screen.

25 Q. Okay. I want to make sure you have a chance

1 Q. How long -- for how long were you complaining
2 to human resources about Mr. McKinney?

3 MR. LOWRY: Objection. It misstates testimony
4 and lacks foundation.

5 BY MS. MEHTA:

6 Q. You can answer.

7 A. I wouldn't say I was complaining so that's --
8 I don't know can't recall when conversation with HR
9 began specifically about Mr. McKinney.

10 Q. Well, for how long were you relaying your
11 concerns, concerns like this unprofessional behavior,
12 not attending meetings?

13 How long were you telling people at HR about
14 these concerns of yours?

15 A. I had observed this behavior throughout
16 '17/18, '18/19, some towards the end of 2017. But I
17 couldn't tell you if they were, like -- like, what the
18 specific date was and, if at all, like, relayed
19 specifically to HR.

20 Q. And you also told Tara Gard about your various
21 concerns about Mr. McKinney, right?

22 MR. LOWRY: Objection. Lacks foundation.

23 THE WITNESS: I mean, I remember discussing
24 Mr. McKinney with Tara in the spring of 2019 as far as
25 planning for the following school year.

1 (Exhibit 63 was marked for identification.)

2 BY MS. MEHTA:

3 Q. Okay. Take a minute and let me know if that
4 document looks familiar to you.

5 A. Yes, it does.

6 Q. And why is it familiar to you?

7 A. Because it is a notice of possible
8 reassignment that was issued to Mr. McKinney that I was
9 aware of.

10 Q. And how were you aware of it?

11 A. HR generally gives us a heads up when issues
12 of possible -- or, I'm sorry -- notices of possible
13 reassignment are being issued. I knew it was going out
14 because Mr. Scott and I had spoken about it.

15 Q. And would this have been a reassignment to
16 teacher, to being a teacher?

17 A. It just says reassignment. So it could have
18 been to a teaching position. Could also have been to a
19 different -- I think the general guidance is
20 reassignment to a teaching position, but that doesn't
21 always happen.

22 Q. And there was a decision made that -- well, I
23 mean, was there a point in time when -- did you discuss
24 with Tara Gard a demotion -- well, what did you discuss
25 with Tara Gard about this letter, if anything?

1 A. I don't recall speaking with Tara about this
2 specific letter.

3 What I spoke about with Tara was about the
4 possibility of reassigning Mr. McKinney to another UAOS
5 position at McClymonds for the subsequent year.

6 Q. Okay. And did you at some point make a
7 decision that you would not demote him from
8 administrator to teacher?

9 A. My intention was to keep him in the
10 administers union. Yes.

11 Q. So was that a decision between you and
12 Ms. Gard?

13 A. That was my recommendation to Ms. Gard, and
14 she approved it.

15 Q. Okay. So let's move forward and talk about
16 your recommendation.

17 So we're going to put up Exhibit 29, which was
18 previously marked, and it's OUSD 2353.

19 Okay. So does this document look familiar to
20 you?

21 A. Yes, it does.

22 Q. And what role did Mr. Taylor play in
23 reassigning Mr. McKinney?

24 A. I don't know that he played a role. By the
25 time he came on as principal, the notice of

1 Q. I'm going to ask Liz to scroll down, and I'm
2 going to ask you to read this.

3 So this -- Ms. Sifuentes, a TSA is a teacher
4 on special assignment, right?

5 A. Correct.

6 Q. Was this your proposal when you were
7 considering demoting Mr. McKinney to teacher?

8 Was this your proposal of his TSA job?

9 A. The initial proposal from the union was that
10 Mr. McKinney be reassigned to a teaching position,
11 which is why the initial draft was written as a -- or
12 the title was written as a student support and
13 community relations TSA.

14 Upon further reflection and discussion, my
15 recommendation changed. My recommendation was
16 different from that of the union, to allow Mr. McKinney
17 to remain in UAOS, the administrators union, which was
18 then, you know, not a TSA.

19 Q. And why did you decide that you wanted him to
20 stay in UAOS?

21 A. Because I wanted to, you know, honor the level
22 of experience that he was bringing to the table.

23 I also didn't want him to experience a
24 significant pay cut from administrator to a TSA because
25 they have -- they're different salary schedules.

1 You know, so I wanted to minimize the impact
2 and be in support of Mr. McKinney as much as possible.

3 Q. And what was the difference in this TSA
4 position, in this job, description? How did it change
5 from what he was doing as assistant principal?

6 A. I recall one of the differences was the
7 ability to suspend students and to approve suspension.
8 That was not on this particular scope of work. That
9 was not part of this scope work.

10 The other scope of work that was not part of
11 this set of work duties included supervising teachers.

12 Q. Oh, okay. Because and -- can you tell me more
13 about -- was there anything else that was different
14 from the AP position?

15 MR. LOWRY: Objection to the extent that the
16 documents speak for themselves, and it calls for a
17 narrative response.

18 But you can answer.

19 THE WITNESS: Those are the two primary
20 differences that I recall between these job duties and
21 that of an assistant principal.

22 BY MS. MEHTA:

23 Q. Okay. And so can I -- did you feel that
24 Mr. McKinney's biggest, biggest sort of issue as AP
25 were his work was suspensions and his work was

1 Q. Considering the budget problems, why did you
2 keep him at the same salary?

3 A. Again, because I wanted to honor the work and
4 the experience that he brought to the table and the
5 strengths that he could bring to the role.

6 And it was the request that was made, and it
7 was granted. The position was funded centrally.

8 Q. This position would be funded centrally?

9 A. Correct.

10 Q. Okay. Um, okay.

11 So let's talk about -- let's go to OUSD 1123,
12 which will be 63.

13 MS. JOHNSON: That was the last one. 64.

14 (Exhibit 64 was marked for identification.)

15 MS. JOHNSON: It's 1123 to 1130.

16 BY MS. MEHTA:

17 Q. Yes. Let's let Ms. Sifuentes read through.

18 A. Okay. You can scroll down.

19 Okay. Okay.

20 Can you pause?

21 Okay. You can scroll.

22 Okay. You can scroll.

23 Okay. You can scroll.

24 Okay.

25 Q. So does this, does this impact your testimony

1 our salaries.

2 I believe there was some documentation about
3 district policies that would have influenced my
4 placement on the salary schedule having moved into the
5 position of an internal employee versus someone coming
6 in from outside of the district.

7 Q. Did you provide that documentation to HR?

8 A. I expressed that concern to HR, and then they
9 verified it because they have access to salary levels
10 and different people's salaries and experience.

11 Q. And did you provide the documentation we just
12 discussed to HR?

13 A. I did not provide them any documents. I
14 expressed my concern, and they looked into it.

15 Q. So did you name the person who you compared
16 your salary with?

17 A. I did.

18 Q. Okay. We're going to put up Exhibit 10, which
19 was a previous exhibit. And we'll go down one page.

20 This is the -- this is the job that
21 Mr. McKinney was placed into in -- at the end of the
22 summer of 2019; is that right?

23 A. Yes. Those are the job duties for the
24 classification for the program manager position that he
25 went into. Yes.

1 Q. And why did you think that this was an
2 appropriate job for him?

3 A. Because the areas of focus are aligned with
4 areas of strength that Mr. McKinney brought to the
5 table.

6 Q. Like, he didn't have to go to meetings?

7 A. No. Things like community partnerships,
8 relations with community members, working one-on-one
9 with students.

10 Q. So -- oh, sorry. You're still thinking?

11 A. No. I mean, there are categories that are
12 broad categories in the job description.

13 I believe he also requested or asked questions
14 about continuing to be the lead for facilities issues.

15 I believe that was added as well.

16 Q. Wasn't the -- did you think Mr. McKinney and
17 others in that group had sort of a cooperative
18 conversation about new job duties?

19 A. It more was input. Mr. McKinney and his union
20 rep shared input during the conversation, and as a
21 result there was collaboration about revising the
22 document based on the input that, that they gave.

23 Q. You understood he didn't want to be demoted,
24 right?

25 A. I see that written on the document.

1 Q. Okay. And then you write at the top there, "I
2 want to make sure we are not setting ourselves up for
3 more challenges down the road should there be
4 consolidations at the coordinator level in the future."

5 And that's coordinator of attendance and
6 discipline, right?

7 A. Yes. I believe that's what I was referring
8 to.

9 Q. So then Mr. McKinney then served as classified
10 program manager for the 2019/2020 school year; is that
11 right?

12 A. Yes. That was the job classification that he
13 was in.

14 Q. Did you discuss him with Mr. Taylor?

15 A. Discuss with Mr. Taylor at what point?

16 Q. At any point in 2019 to 2020.

17 A. My conversations with Mr. Taylor about
18 Mr. McKinney were pretty limited after that meeting in
19 August.

20 So, no. I don't recall having explicit
21 conversations with Mr. Taylor about Mr. McKinney.

22 Q. And how long had you planned to have
23 Mr. McKinney in that program manager classified
24 position?

25 A. My intent was to support the position for as

1 long as it could be there, given funding, you know, but
2 that wasn't in my wheelhouse because that position was
3 funded.

4 So the conversation we had up until that point
5 focused on the '19-20 school year.

6 Q. So when did you come to understand that he was
7 on the layoff list?

8 A. I don't recall exactly. At some point in the
9 spring of 2020.

10 Q. How did you learn that he was on the layoff
11 list?

12 A. I don't recall exactly. Mr. Taylor may have
13 let me know. I don't recall, actually.

14 You know, again, I didn't have any extensive
15 conversations about Mr. McKinney once he was in the
16 program manager position.

17 Q. Did you communicate with anyone about laying
18 off Mr. McKinney before he was put on the layoff list?

19 A. No. I don't recall having any conversations
20 like that.

21 Q. Did you have any conversations with Tara Gard
22 about Mr. McKinney being laid off?

23 A. No. I don't recall having conversations about
24 Mr. McKinney's layoff.

25 Q. Did you know that he would be laid off?

1 MR. LOWRY: Vague as to time.

2 THE WITNESS: You know, I believe I was made
3 aware he had received a notice of reassignment -- or
4 that the position -- I'm sorry -- whatever it was in
5 the spring, that the position might be eliminated.

6 BY MS. MEHTA:

7 Q. Did you know that there was a lack of funds
8 that could threaten that position?

9 A. I didn't know that. That was not a budget
10 that I managed.

11 MS. MEHTA: Let's put up CM 389 to CM 395.

12 (Exhibit 67 was marked for identification.)

13 BY MS. MEHTA:

14 Q. So does that document look familiar to you?

15 A. I don't think I've seen this document before,
16 no.

17 Q. Can we agree that is the notice of layoff to
18 Mr. McKinney on April 24, 2020?

19 A. That's what it appears to be, yes.

20 Q. Okay. Let's go down to 393.

21 BY MS. MEHTA:

22 Q. Do you see there, "How does human resources
23 determine who gets laid off"?

24 Do you see that in the middle of the page?

25 A. Yes.

1 Okay. Are you ready?

2 A. Okay.

3 Q. Okay. So did Mr. McKinney raise to you --
4 we'll just go through it one by one, and all you need
5 to do is say yes or no. This is just in the interest
6 of time, because I really am trying to get everyone out
7 of here.

8 Did Mr. McKinney raise to you issues of
9 disproportionate discipline against black students?

10 A. No.

11 Q. Did he raise to you issues of rodent
12 infestation?

13 A. Yes.

14 Q. How about, did he raise to you issues of
15 roaches?

16 A. Yes.

17 Q. Okay. How about faulty heaters, boilers, or
18 temperature conditions?

19 A. Yes.

20 Q. Okay. How about an intoxicated teacher who
21 threatened to assault students?

22 A. Not to my recollection.

23 Q. A Mr. Woods?

24 A. I'm not sure if it was Mr. McKinney or
25 Mr. Scott who brought that issue to my attention, or

REPORTER'S CERTIFICATE

I, MICHELE J. LUCAS, a Shorthand Reporter,
State of California, do hereby certify:

That VANESSA SIFUENTES DIAMAANO, in the
foregoing deposition named, was present and by me sworn
as a witness in the above-entitled action at the time
and place therein specified;

That said deposition was taken before me at
said time and place, and was taken down in shorthand by
me, a Certified Shorthand Reporter of the State of
California, and was thereafter transcribed into
typewriting, and that the foregoing transcript
constitutes a full, true and correct report of said
deposition and of the proceedings that took place;

That the deponent's review and signature was
not requested;

IN WITNESS WHEREOF, I have hereunder
subscribed my hand this 14th day of April, 2022.



MICHELE J. LUCAS CSR NO. 4017

State of California

EXHIBIT C

EXHIBIT C

UNITED STATES DISTRICT COURT
NORTHER DISTRICT OF CALIFORNIA

---oOo---

CLEVELAND MCKINNEY,)
)
Plaintiff,)
)
vs.) No. 20-cv-06792-JSC
)
OAKLAND UNIFIED SCHOOL)
DISTRICT, VANESSA SIFUENTES,)
JAROD SCOTT, in their personal)
capacity, and DOES 1-10,)
inclusive,)
)
Defendants.)

REMOTE WEB VIDEOCONFERENCE DEPOSITION JAROD SCOTT

TUESDAY, MARCH 8, 2022

STENOGRAPHICALLY REPORTED BY:
ANDREA M. IGNACIO, CSR, RPR, CRR, CCRR, CLR ~
CSR LICENSE NO. 9830
JOB NO. 5116694

1 for administrators. 10:34

2 Q And how about implementation of the school 10:34

3 culture system? Was that always on Mr. McKinney's job 10:35

4 duties? 10:35

5 A Yes, that was. That -- working with culture, 10:35

6 that, along with Mr. Carson as well in terms of 10:35

7 culture meeting and culture -- well, I'm also done 10:35

8 looking at this, if you need it. I'm sorry. 10:35

9 Q Okay. No, no. You're doing great. 10:35

10 How about textbooks? Was that always 10:35

11 Mr. McKinney's responsibility? 10:35

12 A From the first year, I believe, looking at 10:35

13 the first one, that was under Carson. I think, 10:35

14 looking at these two previously, that shifted to 10:35

15 McKinney. 10:35

16 Q Okay. Thank you. 10:35

17 So I'm going to move on now to February 1st, 10:35

18 2019, and June 6, 2019. You recommended that 10:36

19 Mr. McKinney be demoted. 10:36

20 And I'm just starting my question here: Can 10:36

21 you tell me why you recommended demotion? 10:36

22 MR. LOWRY: I'm going to object to the extent 10:36

23 it misstates documents, it lacks foundation, and it 10:36

24 calls for a narrative. 10:36

25 But you can answer. 10:36

THE WITNESS: So from -- from my 10:36

recollection? 10:36

MS. MEHTA: Yes. 10:36

THE WITNESS: It was -- it was for quite a 10:36

few -- quite a few things on there. Okay. 10:36

One was the teacher evaluations and not 10:36

carrying through with the teacher evaluations. 10:37

One -- another reason was not leading in 10:37

Culture and Climate and ensuring that some of the 10:37

things that were outlined on that sheet were carried 10:37

out. 10:37

Not showing up to events, whether it was, you 10:37

know, buyback day, professional learning days, staff 10:37

meetings, meetings to even set forth his own 10:38

evaluation in terms of setting goals and carrying out 10:38

the process as given to us by the district. Yeah. 10:38

And I believe it's been a few others. 10:38

There's a few other things that may have been in that 10:38

list. 10:38

MS. MEHTA: O. When did you -- when did you 10:38

conclusively make the decision that Mr. McKinney 10:38

should be demoted? 10:38

MR. LOWRY: Objection that it's argumentative 10:38

and it lacks foundation. It misstates documents. 10:38

You can -- you can answer if you're able to. 10:38

1 THE WITNESS: From the -- the -- I guess the 10:38
2 final one, yeah, because I think there's two. There's 10:39
3 two. 10:39
4 MS. MEHTA: Right. 10:39
5 Q There was the February 1st, 2019, 10:39
6 recommendation and a June 6, 2019, recommendation to 10:39
7 demote him. 10:39
8 Are you saying -- so -- so with that 10:39
9 information, when did you say -- when in your mind 10:39
10 were you -- did you say, This guy has got to get 10:39
11 demoted? 10:39
12 MR. LOWRY: Same objections. 10:39
13 But you can answer. 10:39
14 THE WITNESS: So my -- I think during -- 10:39
15 during each particular checkpoint, the February 10:39
16 checkpoint and the June checkpoint, I was able to make 10:39
17 my recommendation at that particular time. 10:39
18 MS. MEHTA: Q. And before then, had you said 10:39
19 to yourself, We should -- we should demote 10:39
20 Mr. McKinney? 10:40
21 A Before when? 10:40
22 Q Before February 2019. 10:40
23 A So I didn't -- I don't necessarily go in 10:40
24 there with a preconceived. I look at the 10:40
25 preponderance of -- of evidence that I've had based on 10:40

1 the -- the expectations and the execution of those. 10:40

2 And so based -- based on that, at those 10:40

3 particular two checkpoints, those were the best 10:40

4 options at those times, based on what we -- you know, 10:40

5 based on what we've seen at those particular times. 10:40

6 Q Overall, looking at your work with 10:40

7 Mr. McKinney, overall, could you rate his performance 10:40

8 from 2016 to 2019? 10:41

9 MR. LOWRY: Objection that it's overbroad, 10:41

10 calls for a narrative, and the documents speak for 10:41

11 themselves. 10:41

12 But you can answer. 10:41

13 THE WITNESS: So from 2016, Mr. McKinney 10:41

14 worked a little. He was supervised by the 10:41

15 co-principal. So she may have a little bit more in 10:41

16 terms of being able to speak to his performance in 10:41

17 terms of some of the things that -- that they've laid 10:41

18 out. 10:41

19 So I think I began supervising Mr. McKinney 10:41

20 in the 2017-'18 school year. 10:41

21 MS. MEHTA: So let's start -- let's go with 10:41

22 that. 10:41

23 Q And so in 2016, you would say you didn't 10:41

24 have -- you didn't have enough supervisory duties over 10:41

25 Mr. McKinney to rate his performance for that year; is 10:42

1 showing up to meetings and, you know, in terms of 10:47
2 professional duties. 10:47
3 For example, when you -- there was a meeting 10:47
4 that McKinney and I had, a meeting along with -- I 10:48
5 think Vanessa was in the room. I think our union rep, 10:48
6 Joanna Lujen, was in the room as well. And what was 10:48
7 discussed in that meeting eventually went to -- was 10:48
8 shared with Coach Peters. 10:48
9 And so I -- you know, I just felt that that 10:48
10 was not professional in terms of as -- as leaders, we 10:48
11 have to be able to have conversation and with some 10:48
12 level of understanding of confidentiality. 10:48
13 So when I speak to professional, I'm speaking 10:48
14 to those types of behaviors. And that's kind of some 10:48
15 of the things that I saw in '18-'19. 10:48
16 Q Any other examples? 10:48
17 A That's all that's off the top of my mind 10:49
18 right now. 10:49
19 Q Did you -- did you know for sure that 10:49
20 Mr. McKinney had related that conversation between you 10:49
21 and Ms. Sifuentes to Coach Peters? 10:49
22 A I knew. 10:49
23 Q You knew? 10:49
24 A Yes. 10:49
25 Q Okay. How did you know that? 10:49

1 Were the C&C meetings -- were they weekly? 11:04

2 Monthly? Twice a week? 11:04

3 A At least twice a month. At most, once a 11:04

4 week. 11:04

5 Q Did you attend all the Culture and Climate 11:04

6 meetings? 11:04

7 A I've attended most of them, yes. 11:04

8 Q Sorry. You said -- I'm sorry. I didn't hear 11:04

9 you. 11:04

10 A I said I attended most of them. 11:04

11 Q What was your role with Culture and Climate 11:04

12 meetings? 11:04

13 A So my role was -- if he was not there, you 11:04

14 know, my role was to lead it. But it would -- it 11:04

15 would be more of kind of a -- kind of participant as 11:05

16 well. 11:05

17 Q All right. 11:05

18 So moving on to the next paragraph, 11:05

19 Mr. McKinney was tasked with leading and/or 11:05

20 facilitating meetings on the first Wednesday of each 11:05

21 month. 11:05

22 Now, were these the staff meetings we were 11:05

23 talking about earlier? 11:05

24 A Yes, yes. We had staff meetings once a month 11:05

25 on Wednesdays and -- I'm sorry -- once a week on 11:05

1 Wednesdays. And once a month was dedicated -- the 11:05
2 first Wednesday of the month was dedicated to Culture 11:05
3 and Climate. 11:05
4 Q The first Wednesday of each month was 11:05
5 dedicated to Culture and Climate? 11:05
6 A Yes. 11:05
7 Q Okay. So -- so did Culture and Climate -- 11:05
8 you can see here in the response at line 11 that it 11:05
9 says that first Wednesday included restorative 11:05
10 justice, PBIS, in-school suspensions. 11:05
11 So was all of that part of Culture and 11:06
12 Climate? 11:06
13 A Yes. 11:06
14 Q So -- so that first paragraph and that second 11:06
15 paragraph, those culture -- the Culture and Climate 11:06
16 meetings happened the first Wednesday of each month. 11:06
17 And Mr. McKinney -- you're saying 11:06
18 Mr. McKinney was -- he didn't lead or facilitate these 11:06
19 meetings? 11:06
20 A Correct. 11:06
21 Q How about let's -- 11:06
22 A On a consistent basis. 11:06
23 Q Sorry. Go ahead. 11:06
24 A On a consistent basis. 11:06
25 Q Now, how about this next one, the schoolwide 11:06

1 or grade-level meetings. That's right here at 11:06
2 line 17. 11:07
3 What -- what schoolwide meetings to start 11:07
4 with did he not attend or did he not lead? 11:07
5 A So when we would have any schoolwide 11:07
6 meetings, he -- he wouldn't attend. 11:07
7 Q So he didn't attend any schoolwide meetings 11:07
8 in 2018-2019? 11:07
9 A Well, very, very few. I mean, as -- you 11:07
10 know, as we started having, you know, he -- he -- 11:07
11 yeah. Well, I'll just leave it at that, very few. 11:07
12 And grade -- like, grade level ten meetings 11:07
13 would fall within those schoolwide meetings, whereas 11:07
14 you would have one week in -- you know, you would 11:07
15 have -- one week would be grade level. One week would 11:07
16 be another PB topic. Another week would be Culture 11:07
17 and Climate. Whatever those instructional focus -- 11:08
18 focus are is what would be. 11:08
19 Q Yeah, it sounds to me like one of the issues 11:08
20 was Mr. McKinney was not attending a lot of meetings. 11:08
21 Am I getting that right? 11:08
22 A That -- I would say that would be correct. 11:08
23 Q Okay. 11:08
24 A He didn't attend meetings. 11:08
25 Q I'm sorry. Go ahead. 11:08

1	A	Yes.	11:13
2	Q	And what was his response?	11:14
3	A	I guess some -- something else was going on.	11:14
4	Q	And did you find any of those reasons	11:14
5		compelling?	11:14
6	A	I did not because of the -- because of the	11:14
7		frequency. Once or twice is one thing, but the	11:14
8		frequency is -- is -- is -- is -- was the challenge.	11:14
9	Q	<u>Okay. And how about -- and when did you</u>	<u>11:14</u>
10		<u>notice that Mr. McKinney was not leading PD?</u>	<u>11:14</u>
11	A	<u>That would be -- that would be '18-'19.</u>	11:14
12	Q	Did you write these answers?	11:15
13	A	Excuse me?	11:15
14	Q	Did you write these answers?	11:15
15	A	I believe that came from the -- the --	11:15
16		some -- some -- from the observation tool, and I -- I	11:15
17		do believe that I -- I did pen some of this. So I'm	11:15
18		not sure. I can't speak for -- I can't speak for what	11:15
19		was changed and what was not, but it came from the	11:15
20		observation tool.	11:15
21	Q	And then that -- the next line there:	11:15
22		<u>"He did not work collaboratively on a</u>	<u>11:15</u>
23		<u>consistent basis, nor did he demonstrate regular</u>	<u>11:15</u>
24		<u>communication with teachers around schoolwide student</u>	<u>11:16</u>
25		<u>discipline policies and procedures."</u>	11:16

1 referring to so I can -- 11:17

2 Q Yeah, sure. So line 21, right there: 11:17

3 "He did not work collaboratively on a 11:17

4 consistent basis, nor did he demonstrate regular 11:17

5 communication with teachers." 11:17

6 So I'm just wondering, does that all have to 11:17

7 do with teachers? 11:17

8 A Yes. On this -- this one, it's -- it is 11:17

9 referencing teachers. 11:17

10 "Collaboratively on a consistent basis, nor 11:17

11 did he demonstrate regular communication with teachers 11:17

12 around schoolwide student discipline policies and 11:17

13 procedures." 11:17

14 Yes. 11:17

15 Q Okay. And what happened? 11:17

16 Did you -- did you work with him to improve 11:17

17 that? 11:17

18 A Yeah, so we -- we would meet and have -- you 11:17

19 know, have a conversation about how to support -- how 11:18

20 we could support a teacher. 11:18

21 Q Okay. And did you know -- did you see any 11:18

22 improvement of Mr. McKinney or not? 11:18

23 A I mean, not to the level to meet expectation. 11:18

24 Q Let's go on to the -- he did not -- 11:18

25 "He completed under 50 percent of his 11:19

1 deliverables on time and needed many reminders." 11:19

2 So what were the deliverables that he did not 11:19

3 complete? 11:19

4 A So yeah, that's -- that's coming from a 11:19

5 drop-down. So you're filling this side with a 11:19

6 drop-down button. So you kind of -- you kind of 11:19

7 measure, is it 100 percent, 50 percent, 25 percent, or 11:19

8 0 percent. So it was based on a drop-down. And so 11:19

9 based on that, that's -- that's why that was selected, 11:19

10 based on my observation at the time. 11:19

11 And so those deliverables, again, stays with 11:19

12 holding those meetings, supporting PD, supporting 11:20

13 teachers in -- in terms of helping them provide the 11:20

14 supports that -- that they need in terms of the 11:20

15 Culture and Climate support. 11:20

16 We -- and, you know, we -- we mentioned also 11:20

17 about showing up to work on time would be included in 11:20

18 those -- you know, kind of in that, yeah. 11:20

19 Q Any other deliverables that you have not 11:20

20 mentioned? 11:20

21 A The -- the -- yes, the teacher observations. 11:21

22 I know I mentioned that before. I didn't mention any 11:21

23 connection with the -- with the deliverables, I mean, 11:21

24 even with the moving of the office. 11:21

25 Yeah, that's kind of what comes to mind at 11:21

1 this point. I think so. 11:21

2 Q So anything else in this category of 11:21

3 Mr. McKinney not completing his deliverables? 11:21

4 Anything else you can think of? 11:21

5 A Not off the top of my head -- or not at this 11:22

6 time, I should say. 11:22

7 Q Okay. So have we covered all the 11:22

8 deliverables that Mr. McKinney did not complete? 11:22

9 MR. LOWRY: Objection; calls for speculation; 11:22

10 calls for a narrative. 11:22

11 THE WITNESS: I would say all that I can 11:22

12 think of at this -- you know, at this time. 11:22

13 MS. MEHTA: Q. Well, will you agree to 11:22

14 inform me through your attorney as soon as possible if 11:22

15 something else comes up? 11:22

16 A Yes. 11:22

17 Q And I'm going to ask you again about -- I'm 11:22

18 going to ask you again if I'm missing anything here. 11:23

19 So please do think about this, because I need to -- I 11:23

20 need all the answers. 11:23

21 Okay. The last piece is about teachers: 11:23

22 "Several McClymonds teachers and staff 11:23

23 reported unprofessional and inappropriate conduct." 11:23

24 Can you please name the teachers and staff. 11:23

25 A I will say we had a new teacher. Her name 11:23

1 was Hang, H-A-N-G. I show the first name was Alison, 11:23

2 but I think the last name was -- the last name was 11:24

3 Hang. 11:24

4 Q Okay. Who else? 11:24

5 A Miss -- her name is -- what is her name? 11:24

6 Vaughn -- Floresa Vaughn sent a schoolwide e-mail and 11:24

7 felt it was unprofessional that after meeting with 11:24

8 Vanessa, how McKinney would approach her the next 11:24

9 morning about a meeting that was supposed to be 11:24

10 confidential or whatever, so I guess with the staff. 11:24

11 So she sent that out staff-wide. 11:24

12 Q Did you discipline Mr. McKinney for that? 11:25

13 A I did not. 11:25

14 Q Why not? 11:25

15 A I followed up with Vaughn. I asked Vaughn 11:25

16 about it. And -- and she said that, well, you know, 11:25

17 she did not -- she did not want to follow up based on 11:25

18 her e-mail. 11:25

19 Q Any other teachers and staff? 11:25

20 You've mentioned Hang and Vaughn. 11:25

21 Anyone else? 11:25

22 I just want to make sure that you're not 11:26

23 communicating with anyone during this deposition. Is 11:26

24 that right, Mr. Scott? 11:26

25 No texting or phone calls or chat box or 11:26

1 THE WITNESS: I would -- really, I would just 12:15
2 have to make that decision at that time. 12:15
3 MS. MEHTA: Okay. 12:15
4 Q Let's turn to the water. 12:15
5 A Okay. 12:15
6 Q Did you understand that Mr. McKinney had 12:15
7 reported dirty water in about August 2016? 12:15
8 A I re- -- I recall a meeting in 2016 -- August 12:16
9 of 2016 to -- to discuss water, yes. 12:16
10 Q Who was in that meeting? 12:16
11 A I was in the meeting. I won't have everybody 12:16
12 right, so I don't even know why -- would you like me 12:16
13 to just give you an incomplete answer? Because I can 12:16
14 tell you who I remember was in the meeting. 12:16
15 Q Tell me who you remember. 12:16
16 A Okay. I was in the meeting. McKinney -- 12:16
17 Mr. McKinney was in the meeting. Plashan McCune was 12:16
18 in the meeting. So I think those are all the people 12:16
19 from -- from my stuff. I mean, the district had staff 12:16
20 as well. 12:16
21 Q Okay. And what happened in that meeting? 12:16
22 A I can't recall. 12:16
23 Q Okay. 12:16
24 A But I -- but I do remember that they did test 12:16
25 the water. I do remember that. So I don't know if 12:17

1 that was a meeting to discuss the test results or that 12:17
2 was a meeting to -- to go test the waters. 12:17
3 But I do -- and they were -- the waters were 12:17
4 tested. And then the -- I remember the shower water 12:17
5 in there for the girls' and the boys' restrooms 12:17
6 were -- in the gym area was high lead. And I think 12:17
7 that the school was fined in terms of the school 12:17
8 water. 12:17
9 But it was the -- it was the high levels of 12:17
10 lead that was in the -- the gym area, locker room 12:17
11 area, in the showers in particular. 12:17
12 Q Okay. Over your tenure, did you feel the 12:17
13 district effectively remediated the lead in the water? 12:17
14 MR. LOWRY: Objection; calls for expert 12:17
15 opinion; calls for speculation. 12:17
16 You can answer if you're able to. 12:17
17 THE WITNESS: So now, I know the district -- 12:17
18 I do know that the district took -- took steps. Now, 12:17
19 if those were timely steps and the correct steps, I 12:18
20 would not be the one to be able to -- to answer that 12:18
21 question with any validity. But I do know that steps 12:18
22 were taken. 12:18
23 MS. MEHTA: Q. Did you personally feel like 12:18
24 the steps were timely? 12:18
25 MR. LOWRY: Same objections. 12:18

1 over it at the time, and so I was in communication 12:26
2 with her periodically as well. 12:26
3 Q Anyone else? 12:26
4 A Oh, I mean, I think Vanessa as well, Vanessa. 12:26
5 I think she was kind of representing the school with 12:26
6 the district as well as our ED, that she would -- that 12:26
7 would be a matter that would be high on her priority 12:26
8 list as well. So Vanessa. 12:26
9 I think when Ron was there, Ron. 12:26
10 Q Anyone else -- sorry. 12:26
11 A Externally, that's all I know. I mean, I 12:26
12 don't know internally. That's -- that's who I can 12:26
13 think of at this point. 12:26
14 Q Did Mr. McKinney raise issues with the water 12:26
15 from the time from 2016 to 2019? 12:26
16 A 2016 to 2019, yes, we -- we certainly 12:27
17 discussed water. We discussed the water situation. I 12:27
18 think, you know, McKinney -- part of his role was also 12:27
19 kind of that liaison with facilities. And so 12:27
20 whenever -- so, you know -- and I will -- he followed 12:27
21 it pretty closely. 12:27
22 And so we -- we would meet, and that would 12:27
23 come up, you know. He -- he would -- you know, I 12:27
24 would kind of share the information I had, and he 12:27
25 would kind of share information that -- that he had. 12:27

1 So yes. 12:27

2 Q Did you -- did you think he was concerned 12:27

3 about the quality of the water? 12:27

4 A I do. I do. I mean, I think we were all 12:27

5 concerned, yeah. I think -- I think it certainly was 12:27

6 a concern, yeah. 12:28

7 Q Did you come to understand that the water 12:28

8 issue didn't become public until over a year after it 12:28

9 was discovered? 12:28

10 A Yeah, in terms of becoming public, yeah, I'm 12:28

11 not -- I can't speak to the time frame of that. 12:28

12 Q Do you remember when it went public? Do you 12:28

13 remember that happening? 12:28

14 A I remember a newspaper article. I don't know 12:28

15 if that's an indication of when it went public or not. 12:28

16 But I can share I remember a newspaper article. 12:28

17 Q And what was your reaction to the newspaper 12:28

18 article? 12:28

19 A I don't know about the re- -- I don't know 12:29

20 about a reaction. I just kind of read it and went, 12:29

21 Oh, okay. I mean, I don't know about any reaction in 12:29

22 terms of feeling one way or the other. I can't, you 12:29

23 know, recall that. 12:29

24 But I do remember reading it and students 12:29

25 using the little water -- it was a picture of students 12:29

1 pulling the water -- this little thing we just bought 12:29
2 where they could drink from. It was during football 12:29
3 practice, I believe it was. 12:29
4 Q Okay. So you met regularly with 12:29
5 Mr. McKinney; is that right? 12:29
6 A Correct. 12:29
7 Q How often would you say you met with him? 12:29
8 A We were scheduled for a weekly basis. But 12:29
9 for the most part, it happened. But it may -- 12:30
10 something -- you know, it didn't happen maybe once a 12:30
11 month or something. If I had to guess, I would say 12:30
12 roughly around maybe three times a month, maybe. 12:30
13 Q Do you recall Mr. McKinney making any 12:30
14 statements that you would think of as complaints? 12:30
15 MR. LOWRY: Objection. It's overbroad. 12:30
16 THE WITNESS: Not -- not to my knowledge in 12:30
17 terms of complaints. I mean, I know there was 12:30
18 concerns. So I don't know how you differ- -- 12:30
19 differentiate the two. I don't know. 12:30
20 But, you know, we did speak about the water. 12:30
21 MS. MEHTA: Okay. 12:30
22 Q So -- well, let's talk about the concerns. 12:30
23 What were the concerns that he raised? 12:30
24 A During what time frame? Early on? Toward 12:31
25 the end? 12:31

1 disciplining black students? 12:35

2 A That -- I don't know if that language came 12:35

3 up. But it was -- language came up, I think, with the 12:35

4 one teacher, Ms. -- Ms. Hang. So we -- I mean, we -- 12:35

5 we discussed that, and I think that came into the 12:35

6 conversation around providing and working with 12:35

7 Ms. Hang on strategies and collaborate with Ms. Hang 12:36

8 to -- you know, around professional development to -- 12:36

9 to show her how to deal with, because in -- in -- so I 12:36

10 don't know. 12:36

11 I think that's one of the first times that 12:36

12 some sort of civil rights meeting or whatever came up, 12:36

13 saying that, "Well, Ms. Hang is doing this," whereas 12:36

14 Ms. Hang -- and that was not my -- that was not my 12:36

15 perspective in our conversation, whereas Ms. Hang was 12:36

16 a -- a first-year teacher trying to get control of her 12:36

17 class. What she -- what she lacked was strategies, 12:36

18 and so more showing, you know, how to work with, you 12:36

19 know, her students. 12:36

20 So I don't know if it was a concern, per se, 12:36

21 but it was a conversation. 12:36

22 Q And let me -- let me see if I'm getting this 12:37

23 right. So you're having this conversation, and 12:37

24 Mr. McKinney is raising civil rights issues. And your 12:37

25 reaction was more, Look, she's a first-year teacher. 12:37

1 She doesn't know what she's doing yet. 12:37

2 Is that -- am I getting it right? 12:37

3 A I was -- I would just add the spin that she 12:37

4 wasn't violating anybody's civil rights. Let me -- 12:37

5 let me just be clear about that. All right. 12:37

6 So from that -- that's point one. She wasn't 12:37

7 violating anybody's civil rights. 12:37

8 Now, what she needed was -- or what she 12:37

9 lacked was strategies of how to kind of work with 12:37

10 kids. I know her complaint -- you know, she has, you 12:37

11 know, several complaints in terms of when she sent -- 12:37

12 you know, would send a kid to go speak to, I guess, 12:37

13 McKinney or whatever. 12:37

14 Then one time he brought the kid back and sat 12:37

15 in the back of her class to make sure she don't put 12:37

16 that kid out, or whatever -- whatever it is. And then 12:37

17 she, you know, said that she felt intimidated and -- 12:37

18 and those sorts of things. 12:37

19 But yeah, there -- there was nothing that was 12:38

20 there that -- you know, that -- that was violating a 12:38

21 child's civil rights. 12:38

22 Q And do you recall him raising any issues 12:38

23 about teachers unfairly suspending black students? 12:38

24 A Well, no, because a teacher can't suspend a 12:38

25 kid. That's -- that's an administrative function. So 12:38

1 if there was anybody sus- -- suspending black kids, it 12:38
2 would have been administrators. 12:38

3 Q And what training do you have as far as civil 12:38
4 rights violations for students -- in terms of 12:38
5 students? 12:38

6 A Yeah, so the -- so based on policy, you know, 12:38
7 each -- each district -- you know, being familiar with 12:38
8 each district's policy and -- and handbook. 12:38

9 Q And so from 2016 to 2019, you don't believe 12:39
10 that there were any kind of civil rights violations of 12:39
11 students' rights at MAK? 12:39

12 A Well, I'm not saying that. 12:39
13 What I'm saying is there was never anything 12:39
14 brought to me, other than this situation that was -- 12:39
15 you know, that I just mentioned. 12:39

16 Q The Hang situation? 12:39

17 A Yes. 12:39

18 Q Okay. Did Mr. McKinney ever bring up to you 12:39
19 a rodent infestation, mice? 12:39

20 A We -- we discussed that, yes. 12:39

21 Q And what action was taken? 12:39

22 A I'm not sure how he followed up. That might 12:39
23 be a question to -- to check in with him. I'm not 12:39
24 sure how he followed up, which would certainly be 12:39
25 under his purview. 12:39

1 So I went in there and pulled the drawer out. 12:43

2 There was a lot of mouse droppings, and it was -- 12:43

3 yeah, it was pretty bad. 12:43

4 So I know from there, we went back and 12:43

5 reached out, and the custodians came and cleaned it 12:43

6 up. And -- and that's what kind of started -- I know 12:43

7 there was another round of extermination. But yeah. 12:43

8 Q Okay. And what about -- did Mr. McKinney 12:43

9 bring to your attention issues with faulty heaters, 12:43

10 boilers, or temperature conditions? 12:43

11 A We did have a boiler issue. Yes, we had a 12:43

12 boiler issue. We came in one day, and I believe there 12:43

13 was -- one side of the building was freezing, and the 12:43

14 other side of the building was extremely hot. So -- 12:43

15 so you're sweating on one side and you're cold on the 12:43

16 other, which really caused some -- some -- you know, 12:43

17 impact learning and everything else. 12:43

18 So we did -- we did discuss that at one of 12:43

19 our check-ins and worked with the district on that 12:44

20 to -- to start to remedy that issue and replace the 12:44

21 boiler, I believe it was. 12:44

22 Q The boiler was replaced? 12:44

23 A I believe so, yes. 12:44

24 Q Was this a big one outside? 12:44

25 A This was the one under -- under the stairs, 12:44

1 MS. MEHTA: Q. My question is -- is only -- 12:45

2 I don't care about the name. My question is, do you 12:45

3 recall Mr. McKinney bringing up to you that any -- 12:45

4 that there was an intoxicated teacher who had 12:45

5 threatened to assault students? 12:45

6 That's my question, so -- 12:45

7 THE WITNESS: Okay. 12:46

8 MR. LOWRY: We can go off the confidential 12:46

9 record if Mr. Scott is not going to be providing any 12:46

10 names. 12:46

11 THE WITNESS: Okay. I won't provide names 12:46

12 then. I just wanted to know which situation were we 12:46

13 referring to. I wasn't quite sure which situation. 12:46

14 So I won't provide any names, but I -- I 12:46

15 remember having a conversation about that. A student 12:46

16 did record a teacher, and so -- yeah, so the student 12:46

17 recorded the teacher. I think the teacher was -- was 12:46

18 eventually released. 12:46

19 MS. MEHTA: Okay. 12:46

20 THE WITNESS: But in terms of the 12:46

21 intoxication part, that don't ring a bell, but the 12:46

22 scenario certainly does with the -- with the 12:46

23 recording. 12:46

24 MS. MEHTA: Okay. 12:46

25 Q Did Mr. McKinney raise to you that some 12:46

1 Muslim students were being sexually harassed? 12:46

2 A How did that get to me? 12:47

3 So no. I think -- I think we discussed it 12:47

4 like everything else, but it was not -- he didn't 12:47

5 raise it. 12:47

6 I think the students raised it. The students 12:47

7 sent an e-mail out. And so -- yeah, yeah, students 12:47

8 sent an e-mail out, and I think that's how it was 12:47

9 first brought to my attention through -- via e-mail. 12:47

10 Q Okay. 12:47

11 A So yeah. But McKinney -- we did discuss it, 12:47

12 and again, because there is nothing that's going on in 12:47

13 that building in terms of -- you know, that -- that 12:47

14 were not typically don't discuss, because in terms of 12:47

15 the role of an admin- -- of a principal and assistant 12:47

16 principal, it's kind of our role to kind of share 12:48

17 things with each other, kind of discuss that plan of 12:48

18 action, and kind of execute. 12:48

19 So -- so I don't know if I shared that with 12:48

20 him or he shared that with me. But I do remember the 12:48

21 e-mail coming through, and then we would discuss, 12:48

22 okay, how are we going to go about addressing that? 12:48

23 And there was a -- I -- I did learn of one 12:48

24 situation in his office of one of those students. I 12:48

25 mean, that's a different situation. Sorry. I'm 12:48

1 getting my situation mixed up. 12:48

2 But for the Muslim students, that was done 12:48

3 through e-mail. 12:48

4 Q That was via e-mail? 12:48

5 A Yes. 12:48

6 Q And how did you -- how did -- how did you 12:48

7 deal with it? 12:48

8 What happened with that teacher? 12:49

9 A Yes, so any time we have an issue with a 12:49

10 staff member, protocol is to kind of work with our 12:49

11 HR -- our HR representative. 12:49

12 And so working with our HR person, we 12:49

13 approached it by -- I had given a -- I believe it was, 12:49

14 like, a letter of -- of -- it was a letter of 12:49

15 reprimand and -- with the teacher not to have any 12:49

16 conversation or something about that situation. 12:49

17 And then the student came back and -- and 12:49

18 later reported that -- that the teacher said something 12:49

19 to her about not -- you know, about, like, "Did you 12:49

20 say" -- or whatever it was. 12:49

21 And then -- so once that was brought back to 12:49

22 me, I brought that back to HR. And then we moved with 12:49

23 a -- kind of a letter of termination. 12:49

24 Q Did Mr. McKinney bring to you that there was 12:50

25 a teacher shooting dice and gambling with the 12:50

1 students? 12:50

2 A Yes. So there -- there is a teacher right -- 12:50

3 I think his office is right next door to 12:50

4 Mr. McKinney's office. And so I guess because his 12:50

5 office is in proximity, Mr. McKinney maybe goes in 12:50

6 there and supports the teacher, I'm assuming. 12:50

7 So I don't know if he went in there at the 12:50

8 time and the teacher was shooting dice. And we did 12:50

9 discuss that. 12:50

10 But again, the teacher is right next door to 12:50

11 him, so I'm certain Mr. McKinney probably addressed 12:50

12 it, because a lot of -- like, a lot of these things 12:50

13 are administrative functions. And you -- you know, 12:50

14 him telling me is more about just telling me what he 12:50

15 did to address it. 12:51

16 It's not in terms of just reporting it and 12:51

17 saying, "Here you go. This is in your lap." Like, 12:51

18 that's not how administrators work. You know, we -- 12:51

19 you know, it's not a report, and I'm going to watch 12:51

20 you work situation. It's more of a, you know, This is 12:51

21 what I saw. This is what I did. 12:51

22 And so, you know, we did have that 12:51

23 conversation about pretty much what he did. And I 12:51

24 kind of spoke to him about what he did, and I told him 12:51

25 to make sure that he writes him up if he saw him doing 12:51

1 something like that. 12:51

2 So -- and so not -- you know, that teacher 12:51

3 was on my radar. So I'd kind of pop -- I would do 12:51

4 some pop-ins as well and -- and saw some behavior 12:51

5 that -- that -- that I didn't think was conducive. 12:51

6 And that teacher was, at the end of the year, let go. 12:51

7 MR. LOWRY: So Counsel, sorry to interrupt. 12:51

8 Just we've been back on for a little over an hour. 12:51

9 It's getting to be around lunchtime. 12:51

10 Is now a good time for that, or are you about 12:52

11 to finish up some questioning? 12:52

12 MS. MEHTA: Yeah, give me until a little bit 12:52

13 past 1:00. I just have a couple more on these -- on 12:52

14 this, and then we can take lunch. 12:52

15 MR. LOWRY: All right. 12:52

16 Jarod, are you okay? 12:52

17 MS. MEHTA: Is that okay with you, Mr. Scott? 12:52

18 Oh, sorry. Go ahead. 12:52

19 THE WITNESS: Yes, I'm -- I'm fine. 12:52

20 MS. MEHTA: Okay. All right. 12:52

21 Q What about, did Mr. McKinney bring up to you 12:52

22 a Spanish teacher who admitted he could not speak 12:52

23 Spanish? 12:52

24 A No. The Spanish -- the Spanish teacher who 12:52

25 could not speak Spanish, he mentioned that on the 12:52

1	A	No, I wouldn't say --	12:54
2		MR. LOWRY: Objection; lacks foundation;	12:54
3		argumentative.	12:54
4		THE WITNESS: But -- but yeah, it wasn't a	12:54
5		year. It wasn't a year.	12:54
6		MS. MEHTA: Q. Was it --	12:54
7	A	Because we had somebody else in the	12:54
8		beginning. It wasn't him at the beginning.	12:54
9	Q	Okay. Okay.	12:54
10		When we say "year," we're talking about	12:54
11		school years, right, that nine months?	12:54
12	A	School year.	12:54
13		THE REPORTER: Okay. One --	12:54
14		MS. MEHTA: Q. Was it more than three months	12:54
15		that he was on?	12:54
16		I'm sorry. Did somebody say something?	12:54
17		THE REPORTER: The court reporter is asking	12:54
18		one at a time, please.	12:54
19		MS. MEHTA: Of course. Sorry.	12:54
20	Q	So let me ask this. Let me strike that.	12:54
21		Was he teaching in that position for more	12:54
22		than six months?	12:54
23	A	<u>I don't know the dates.</u>	<u>12:54</u>
24		<u>But I can say a teacher was hired at the end</u>	<u>12:54</u>
25		<u>of the year. He was not there in the beginning of the</u>	<u>12:54</u>

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1	<u>year. So I don't know if there's six months in</u>	<u>12:54</u>
2	<u>between. But in the -- I don't think that's a</u>	<u>12:55</u>
3	<u>six-month time period.</u>	<u>12:55</u>
4	<u>I think the new teacher may have come on in</u>	<u>12:55</u>
5	<u>March, because the teacher strike was in February.</u>	<u>12:55</u>
6	<u>The teacher came in March. Then we had the other</u>	<u>12:55</u>
7	<u>teacher who was -- I mean, who was there at the</u>	<u>12:55</u>
8	<u>beginning. Then we had a period of subs.</u>	<u>12:55</u>
9	So I don't think there was a six-month time	12:55
10	period, if I had to...	12:55
11	Q Was he there for the duration of a grading	12:55
12	semester?	12:55
13	A I'm not sure.	12:55
14	Q Was he there for more than three months?	12:55
15	A I'm not sure.	12:55
16	Q Did Mr. McKinney raise to you improper hiring	12:56
17	or improper -- improper -- strike that.	12:56
18	Did Mr. McKinney raise to you improper hiring	12:56
19	of teachers?	12:56
20	A No, that does not sound familiar.	12:56
21	Q Okay. How about teachers that were	12:56
22	improperly classified?	12:56
23	A Really, that's typically HR. They check the	12:56
24	credentials when we hire teachers. But yeah, I don't	12:56
25	recall that conversation.	12:56

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1 Q Do you know that he reported it to anyone 12:58
2 else? 12:58
3 A Not to my knowledge. 12:58
4 Q Did he report to you what he thought was 12:58
5 mismanagement of the budget by you or Ms. Sifuentes? 12:58
6 A No. 12:58
7 And in -- in what -- can you say more? 12:58
8 Like, what perspective in terms of -- 12:58
9 Q For example, did he -- not for example. 12:58
10 But did he report to you that you or 12:58
11 Sifuentes had redirected a \$50,000 donation for 12:58
12 student activities to administrator salaries? 12:59
13 A No. No. 12:59
14 So there was -- I guess there was a grant 12:59
15 that -- that -- that came. So it was a grant funding. 12:59
16 It came in the mail addressed to me. I opened it up, 12:59
17 and so I saw it -- it -- it -- you know, it was money, 12:59
18 blank checks. So I did not know what it was for. 12:59
19 So I instructed my secretary to call down to 12:59
20 the -- to the person who wrote the check. So she 12:59
21 called down, asking, What is this money for? So she 12:59
22 called down. She had spoke to them, asked what the 12:59
23 money was for. 12:59
24 And so -- and I eventually ended up meeting 12:59
25 with the person. But they said it was kind of up to 12:59

A F T E R N O O N S E S S I O N

1:42 P.M.

13:42

MS. MEHTA: Back in action. Okay. Okay.

13:42

Mr. Lowry, we can agree that OUSD '2159 to

13:42

'2344 are Ms. Vanessa Sifuentes' notes?

13:43

MR. LOWRY: Correct.

13:43

MS. MEHTA: Thank you. Okay. Excellent.

13:43

All right.

13:43

Q Mr. Scott, let's get back -- back with you;

13:43

all right?

13:43

I want to call your attention to a

13:43

performance about -- a performance evaluation that was

13:43

done in March 30th, 2017.

13:43

So at that time period in or around March or13:43April of 2017, did you, Ms. Sifuentes, and McCune13:43attempt to do a public evaluation of Mr. McKinney?13:43

A No.

13:43Q Did you send out an evaluation of13:43Mr. McKinney and the other assistant principal to13:43staff and teachers?13:43

A No.

13:43So I can provide some context. One minute.13:43So that -- that was a -- I think around that

13:44

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1 time, it was announced that we needed to go from two 13:44
2 administrators to one. 13:44
3 And then -- so I think McCune put that a 13:44
4 feedback -- she wanted to get feedback on the two 13:44
5 administrators against my recommendation. And I 13:44
6 specifically told her that was not a good idea. 13:44
7 And she put that up there. And because I 13:44
8 didn't put it, I couldn't pull it down. 13:44
9 So I immediately called Ron Smith at the 13:44
10 time, who was the executive director. I told him it 13:44
11 was up there, and I -- you know, and I told him that 13:44
12 that was -- that it needed to come down immediately. 13:44
13 Q So it was Ms. McCune who posted the 13:44
14 evaluation of the assistant principals online? 13:44
15 A I think it was posting somewhere. I don't 13:44
16 know -- yeah, it was posting -- it may have been on -- 13:45
17 on -- on -- somewhere in which teachers or whoever can 13:45
18 provide feedback, yeah. 13:45
19 Q So you immediately called Mr. -- Mr. Smith; 13:45
20 is that right? 13:45
21 A That is correct. 13:45
22 Q And so you were not in favor of this 13:45
23 evaluation? 13:45
24 A Correct. 13:45
25 I mean -- and she said it wasn't an 13:45

1 evaluation. It was just feedback, so -- but I 13:45
2 certainly -- I mean, any time you have people 13:45
3 commenting on performance, it could be construed that 13:45
4 way. So that was my concern. 13:45
5 Q Okay. Okay. 13:45
6 But there were responses to the survey; is 13:45
7 that right? 13:45
8 A Yes, there were. 13:45
9 Q Okay. So -- and the union grieved the -- I'm 13:45
10 just going to call it the attempt to publicly 13:45
11 evaluate. The union grieved that; right? 13:45
12 A Correct. 13:45
13 Q And you and Sifuentes and McCune apologized 13:45
14 for that action; is that right? 13:46
15 A I may have apologized to administrators. I 13:46
16 don't know about this sort of public apology or 13:46
17 anything. I don't recall. I don't recall that. But 13:46
18 I did acknowledge, I think, that that was not the -- 13:46
19 the best choice at that time to do that. 13:46
20 Q Okay. But you didn't want them to put up 13:46
21 that survey; right? 13:46
22 A I didn't think it was a good idea, no. 13:46
23 MS. MEHTA: Okay. So I'm going to have the 13:46
24 lovely Ms. Johnson put up OUSD '1159. 13:46
25 Q And at what point -- actually, before you put 13:46

1 A Even after it went up, seeing what -- what -- 13:48
2 what the questions were. Yeah, I remember the big 13:48
3 fallout over that, yes. 13:48
4 Q So did you -- can you -- as you sit here 13:48
5 today, can you recall telling Sifuentes, I don't think 13:48
6 we should do this? 13:48
7 A I think it was Ron that I communicated with, 13:48
8 and I think he responded. I sent -- I sent Vanessa 13:49
9 over there. I sent Vanessa over. 13:49
10 Q Did you -- you testified earlier that it was 13:49
11 Plashan McCune's idea. 13:49
12 Was it only her idea? 13:49
13 Or actually, let me get -- make sure I'm 13:49
14 right. 13:49
15 Did you testify that it was Plashan McCune's 13:49
16 idea to do this? 13:49
17 A To put a -- to put -- what she put up was 13:49
18 her -- what she put up was what she wrote. So yes, 13:49
19 that was hers. So when it was up, I do remember 13:49
20 telling her as well as Ron that that needs to come 13:49
21 down. 13:49
22 She and I fell out over that as well because 13:49
23 she said, It's not coming down. 13:49
24 Q And do you think it was at all Ms. Sifuentes' 13:49
25 idea? 13:49

1 MR. LOWRY: Objection; calls for speculation. 13:49

2 THE WITNESS: Not to my knowledge. 13:49

3 MS. MEHTA: Okay. So -- all right. 13:50

4 So actually, let's put up '744 -- OUSD '744, 13:50

5 and this will be whatever exhibit it is. I think it 13:50

6 may be 37. 13:50

7 (Document remotely marked Exhibit 37 13:50

8 for identification.) 13:50

9 MS. MEHTA: Q. So this is an e-mail from 13:50

10 Ms. McCune to you, Smith, and Ms. Sifuentes on 13:50

11 Thursday, March 30th, 2017; is that -- is that right? 13:50

12 Do you recall -- I know this is a hard 13:50

13 question, but do you recall receiving this e-mail? 13:50

14 Let me strike that. 13:51

15 Does this e-mail look familiar to you? 13:51

16 A Vaguely. 13:51

17 Q Okay. Do -- do you have any reason to 13:51

18 dispute that it was an e-mail sent to you? 13:51

19 A No, I do not. 13:51

20 Q Okay. Great. Thank you. Okay. 13:51

21 So -- so this is March 30th, 2017. And if we 13:51

22 scroll down, is this the draft survey that was going 13:51

23 to be posted? 13:51

24 MR. LOWRY: Objection; calls for speculation. 13:51

25 THE WITNESS: When you say -- yeah, I 13:51

1 Q Okay. Ms. Hang -- you became aware that 15:32
2 students protested Ms. Hang; is that right? 15:32
3 MR. LOWRY: Objection; lacks foundation. 15:32
4 THE WITNESS: No, I don't -- I can't recall 15:32
5 that off the top of my head. 15:32
6 MS. MEHTA: Q. You became aware that 15:32
7 Mr. McKinney -- we talked about this, that 15:32
8 Mr. McKinney reported to you that Ms. Hang was 15:32
9 violating civil rights? 15:32
10 A Yes. 15:32
11 Q And Ms. Hang was a first semester teacher; 15:32
12 right? 15:32
13 We talked about that a little bit? 15:32
14 A A first-year teacher, yes. 15:33
15 Q And then let's talk about Ms. Smith for a 15:33
16 minute. So Ms. Smith -- you became aware that 15:33
17 Ms. Smith was putting hands on children; is that 15:33
18 right? 15:33
19 MR. LOWRY: Objection; argumentative and 15:33
20 lacks foundation. 15:33
21 THE WITNESS: Mr. McKinney brought up a 15:33
22 situation that I guess he witnessed that Alberta Smith 15:33
23 put her hands on a student. 15:33
24 MS. MEHTA: Q. So he reported that to you? 15:33
25 A And so I think -- yeah, I think he was 15:33

1 supposed to do the -- the -- was it the CPS report or 15:34
2 something like that? 15:34
3 Sorry. I'm not sure if -- if -- if -- if 15:34
4 that happened or what, you know, but yes. 15:34
5 Q And did you ever come to understand that 15:34
6 Ms. Smith had done that, that she had put her hands on 15:34
7 children? 15:34
8 A No. 15:34
9 Q What investigation did you do? 15:34
10 A So I went and talked to Alberta and the 15:34
11 student at the time. 15:34
12 Q And what did the student tell you? 15:34
13 A That it wasn't true. 15:35
14 Q The student told you that Alberta Smith had 15:35
15 not touched her? 15:35
16 A Yes. 15:35
17 Q Was there anyone else present when the 15:35
18 student told you that? 15:35
19 A No. 15:35
20 Q Did you -- did you speak to Mr. McKinney 15:35
21 about the accusation? 15:35
22 A I mean, when he shared -- I think when he 15:35
23 shared it with me. I think we were in a meeting at 15:35
24 the time. And so I think it was Lujen in there as 15:35
25 well, maybe even Vanessa, and so I think, you know, he 15:35

1 particular statement from him, per se -- or 15:41

2 Mr. McKinney, per se. 15:41

3 MS. MEHTA: Okay. Let's put up CM151. This 15:41

4 will be Exhibit 44. 15:42

5 MS. JOHNSON: 45. 15:42

6 THE REPORTER: Thank you. 15:42

7 MS. MEHTA: 45. 15:42

8 (Document remotely marked Exhibit 45 15:42

9 for identification.) 15:42

10 MS. MEHTA: Q. Mr. Scott, this is an e-mail 15:42

11 from you to Sifuentes, McKinney, the union rep, 15:42

12 Joannah Lougin, on May 25th, 2018; is that right? 15:42

13 A Yes. 15:42

14 Q And the next steps here with that would be 15:42

15 that you would follow up in writing with Alberta Smith 15:42

16 around putting hands on students. 15:42

17 Do you see that? 15:42

18 A Correct. 15:42

19 Q Okay. And you did that? 15:42

20 A I did. 15:42

21 Q And what did she say to you? 15:42

22 A She didn't say anything. 15:42

23 Q Did she deny it? 15:42

24 A I mean, she -- she denied that particular 15:43

25 situation. But this also covered any type of 15:43

1	Q	<u>Okay. Do you think he should have been</u>	<u>17:15</u>
2		<u>demoted for the evaluation issue?</u>	<u>17:15</u>
3	A	<u>When -- when I make a -- when I make a</u>	<u>17:15</u>
4		<u>decision, it's -- it's -- it's based on a -- pretty</u>	<u>17:15</u>
5		<u>much a preponderance of evidence, and not just one</u>	<u>17:15</u>
6		<u>thing in particular.</u>	<u>17:16</u>
7	Q	<u>Okay. So it was the evaluation plus other</u>	<u>17:16</u>
8		<u>things?</u>	<u>17:16</u>
9	A	<u>That would be correct.</u>	<u>17:16</u>
10	Q	And you -- you list a few dates there at	17:16
11		the -- almost at the -- about the third paragraph.	17:16
12		You know, at the end, it says 11 --	17:16
13	A	Yes, I see it.	17:16
14	Q	Okay. Did you provide those reminders in	17:16
15		writing?	17:16
16	A	I don't -- okay. So this is from the	17:16
17		observation track. So this -- this was a -- a written	17:17
18		document that -- that we reviewed. And I believe, if	17:17
19		I'm reading it correctly, it's -- it's -- it have	17:17
20		dates in which certain steps of the observation should	17:17
21		be completed.	17:17
22	Q	My question was, did you tell him these	17:17
23		reminders in writing?	17:17
24	A	I'm not sure. I'm not sure.	17:17
25	Q	Okay. And then what evaluations had not been	17:17

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CERTIFICATE OF STENOGRAPHER

I, ANDREA M. IGNACIO, hereby certify that the witness in the foregoing remote deposition was by me remotely sworn to tell the truth, the whole truth, and nothing but the truth in the within-entitled cause;

That said deposition was taken in shorthand by me, a disinterested person, at the time and place therein stated, and that the testimony of the said witness was thereafter reduced to typewriting, by computer, under my direction and supervision;

That before completion of the deposition, review of the transcript [x] was [] was not requested. If requested, any changes made by the deponent (and provided to the reporter) during the period allowed are appended hereto.

I further certify that I am not of counsel or attorney for either or any of the parties to the said deposition, nor in any way interested in the event of this cause, and that I am not related to any of the parties thereto.

Dated: March 23, 2022

A handwritten signature in blue ink, appearing to read 'Andrea M. Ignacio', is written over a horizontal line.

ANDREA M. IGNACIO, RPR, CRR, CCRR, CLR, CSR No. 9830

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA

---oOo---

CLEVELAND MCKINNEY,
Plaintiff,

vs.

No. 20-cv-06792-JSC

OAKLAND UNIFIED SCHOOL
DISTRICT, VANESSA SIFUENTES,
JAROD SCOTT, in their personal
capacity, and DOES 1-10,
inclusive,
Defendants.

_____/

VIDEOCONFERENCE DEPOSITION OF JAROD SCOTT
VOLUME II (Pages 264-295)

Taken before MICHELE J. LUCAS

CSR No. 4017

March 9, 2022

Page 264

1 JAROD SCOTT,
2 sworn as a witness,
3 testified as follows:

4 EXAMINATION

5 BY MS. MEHTA:

6 Q. Good morning, Mr. Scott.

7 A. Good morning.

8 Q. Do you recall that there was a meeting in
9 which a teacher said, "When are you going to get rid of
10 that cancer Cleveland McKinney"?

11 A. No, I don't recall that.

12 Q. You do not recall that.

13 And do you recall responding, "I'm working on
14 it"?

15 A. No, I don't recall that.

16 Q. Now, there was a point in time when you and
17 Ms. Sifuentes were attempting to move Mr. McKinney to
18 room 108.

19 Do you recall that?

20 A. Yes.

21 Q. And do you recall that Mr. -- that you told
22 Mr. McKinney, "How about the room next to the
23 bathroom"?

24 Do you remember telling him that he could move
25 into that room?

1 A. Yes, I do.

2 Q. And do you recall Mr. McKinney responding,
3 "Well, that's a custodial closet"?

4 Do you recall that?

5 A. I do.

6 Q. And do you recall responding, "Are you sure
7 you can't fit in there," while laughing?

8 A. No.

9 Q. So did you understand that Mr. McKinney didn't
10 want to move into --

11 A. So --

12 Q. Go ahead.

13 A. So the context behind that is he -- we, as we
14 discussed yesterday, with the downsizing of staff, we,
15 we had to reposition people.

16 So we had three floors. We had Peters on the
17 third floor; Blackwell on the second floor. And then I
18 asked McKinney to go to the first floor so we could
19 have administrative -- or we could have supervision on
20 the first floor.

21 So we went into an office suite, a suite that
22 I believe had two offices and a reception area and a
23 room with, like, a kitchen. So it's an office suite.

24 So we went in there, and so he did not want to
25 move. He made that clear, and, for him, that was not

1 acceptable.

2 So we asked him, "Why is it not acceptable?"

3 You know, this office is where the assistant
4 principal was last year. And it was also being
5 occupied by a district office.

6 So he did not want to move. He said, "Well,
7 because of the carpet," and he said when he walked in
8 here then he had an allergy or something like that.

9 So I looked around and said, okay, on the
10 first floor where are some rooms that I can look. So I
11 look at this one room, and it was, it was -- I looked
12 at it, and it's a nice space. It was the custodial
13 office, but there was no carpet on the floor, so,
14 therefore, it would not agitate or anything any
15 allergies.

16 So I looked at that for a while. So I looked
17 at the space, and it wasn't necessarily a bad space,
18 and so when I brought him down, I said, "Well, here's
19 another alternative."

20 And he was, like, "Can I sit in there?" Or I
21 don't know what he said.

22 And then it was, like, all right. You know, I
23 just said okay.

24 Q. So you laughed saying, "Are you sure you can't
25 fit in there?"

REPORTER'S CERTIFICATE

I, MICHELE J. LUCAS, a Shorthand Reporter,
State of California, do hereby certify:

That JAROD SCOTT, in the foregoing deposition
named, was present and by me sworn as a witness in the
above-entitled action at the time and place therein
specified;

That said deposition was taken before me at
said time and place, and was taken down in shorthand by
me, a Certified Shorthand Reporter of the State of
California, and was thereafter transcribed into
typewriting, and that the foregoing transcript
constitutes a full, true and correct report of said
deposition and of the proceedings that took place;

That the deponent's review and signature was
not requested;

IN WITNESS WHEREOF, I have hereunder
subscribed my hand this 1st day of April, 2022.



MICHELE J. LUCAS CSR NO. 4017

State of California

EXHIBIT H

EXHIBIT H



**OAKLAND UNIFIED
SCHOOL DISTRICT**
Community Schools, Thriving Students

TALENT DIVISION

March 12, 2019

Cleveland McKinney
621 20th Street
Richmond, CA 94801

Mr. McKinney,

Subject: Notice of Possible Reassignment of Administrator

Oakland Unified School District (OUSD) has been undergoing significant change in its ongoing effort to remain fiscally solvent while continuing to focus on providing every student with a high quality education. Over the last year there has been regular communication regarding the difficult decisions we have had to make due to our financial challenges.

At the regular Board of Education meeting of January 23, 2019, the School Board approved issuance of the *Possible Reassignment of Administrator* notice. This notice is issued to provide OUSD with the broadest flexibility for administrative staffing. Therefore, pursuant to California Education Code Section 44951, it may be necessary to release you from the position that you now hold and to reassign you to another position within OUSD.

This is not a notice of termination of your employment with the school district, nor does it affect any tenure rights, if you are so entitled. Its purpose is to notify you in advance that you may not be assigned for the 2019-2020 school year to the specific administrative position in which you are now serving or from which you are now on leave during the present school year.

You may be reassigned to a different administrative position, a teaching position, and/or your functions, duties, assignment, work year or salary may be changed. Any reassignment will be based on the needs and best interests of the students and the District. Whenever possible, your preference for reassignment will be considered. We will inform you as soon as your position for the 2019-2020 school year is known.

While these changes are difficult, they are essential. We will continue to monitor our finances closely as we move towards financial resiliency. This will allow us to continue to meet our commitments to our students, family and community.

Thank you for your dedication to our students, family and community. Should you have further questions, please reach out to your immediate supervisor.

Thank you,

Tara Gard

Tara Gard
Deputy Chief of Talent

** UADS Representation
Jo Anna Laury
Executive Director
3/14/19*

*I am in receipt of this letter on 3/14/19.
However, I am in disagreement with any
change of position, salary and/or demotion.
Cleveland McKinney*

1000 Broadway, Suite 295, Oakland, CA 94607

510.879.0202 ph | 510.879.0228 fax
www.ousd.org

The Oakland Unified School District does not discriminate in any program, activity, or in employment on the basis of actual or perceived race, religion, color, national origin, ancestry, age, marital status, pregnancy, physical or mental disability, medical condition, genetic information, veteran status, gender, sex, or sexual orientation.

OUSD000044

EXHIBIT

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EXHIBIT I

EXHIBIT I

DAN SIEGEL, SBN 56400
 SONYA MEHTA, SBN 294411
 SIEGEL, YEE, BRUNNER & MEHTA
 475 14th Street, Suite 500
 Oakland, CA 94612
 Telephone: (510) 839-1200
 Facsimile: (510) 444-6698
danmsiegel@gmail.com
sonyamehta@siegelyee.com

Attorneys for Plaintiff
 CLEVELAND McKINNEY

**UNITED STATES DISTRICT COURT FOR THE
 NORTHERN DISTRICT OF CALIFORNIA**

CLEVELAND McKINNEY,)	Case No.: 3:20-cv-06792-JSC
)	
Plaintiff,)	PLAINTIFF CLEVELAND
)	MCKINNEY’S RESPONSE TO
vs.)	DEFENDANT OAKLAND
)	UNIFIED SCHOOL DISTRICT’S
OAKLAND UNIFIED SCHOOL DISTRICT,)	INTERROGATORIES, SET ONE
VANESSA SIFUENTES, and JAROD)	
SCOTT, and DOES 1-10 inclusive,)	
)	
Defendants.)	

REQUESTING PARTY:	Defendant Oakland Unified School District
RESPONDING PARTY:	Plaintiff Cleveland McKinney
SET NO.:	One

Pursuant to Federal Rules of Civil Procedure, Rules 26 and 33, plaintiff Cleveland McKinney hereby responds to defendant OUSD’s Interrogatories, Set One, as follows:

1 I reported inadequate lockers and locker room conditions.

2 I reported Sifuentes and Scott attempting to move me into an uninhabitable
3 office.

4 I reported these activities to the Superintendent.

5 **INTERROGATORY NO. 7:**

6 Please IDENTIFY with specificity each act or omission by DEFENDANTS that
7 YOU allege occurred in retaliation for the protected activities that YOU allegedly
8 engaged in as described in YOUR response to Interrogatory Number 6.

9 **RESPONSE TO INTERROGATORY NO. 7:**

10 Plaintiff objects to this interrogatory on the grounds that it is overbroad and to
11 the extent that it seeks information equally available to defendants. Subject to and
12 without waiving the forgoing objection, plaintiff responds as follows.

13 The District sent me numerous notices of demotion, attempted to publicly
14 evaluate me, attempted to change my job description, reclassified me to a less secure
15 position, attempted to move me into an uninhabitable office, delayed payment to me,
16 ordered a baseless investigation against me, and terminated my employment.

17 **INTERROGATORY NO. 8:**

18 Please IDENTIFY all witnesses to or PERSONS(s) with knowledge of any act(s) or
19 omissions(s) by DEFENDANTS or protected activities identified, described or
20 referenced in YOUR response to Interrogatory Number 7.

21 **RESPONSE TO INTERROGATORY NO. 8:**

22 Objection. This interrogatory is compound. *Safeco of America v. Rawstron* (CD
23 CA 1998) 181 FRD 441, 445. Plaintiff is required to respond to only 25 separate
24 interrogatories. FRCP Rule 33. It is also overbroad.

25 As to the notices of demotion, the witnesses include Sifuentes and Scott.

26 **RESPONSE TO INTERROGATORY NO. 9 (8):**

27 Objection. This interrogatory is compound. *Safeco of America v. Rawstron* (CD
28

1 mismanagement, and retaliation against me.

2 **INTERROGATORY NO. 24 (16):**

3 Please IDENTIFY all witnesses to any “activities” identified, described or
4 referenced in YOUR response to Interrogatory Number 14.

5 **RESPONSE TO INTERROGATORY NO. 24:**

6 This interrogatory is nonsensical. Interrogatory No. 14 requests, “Please
7 IDENTIFY all PERSON(s) with knowledge of any facts supporting YOUR response to
8 Interrogatory Number 12.” It requests witnesses to witnesses and cannot be answered.

9 **INTERROGATORY NO. 25 (17):**

10 Please IDENTIFY by venue, case name, and case number all previous lawsuits
11 YOU have filed against any previous, present, or prospective employer.

12 **RESPONSE TO INTERROGATORY NO. 25:**

13 None.

14
15 Dated: April 23, 2021

SIEGEL, YEE, BRUNNER & MEHTA

17 By /s/ Sonya Z. Mehta
18 Sonya Z. Mehta

19
20 Attorneys for Plaintiff
CLEVELAND McKINNEY

PROOF OF SERVICE

I, the undersigned, declare:

I am employed in the county of Alameda, state of California. I am over the age of 18 years and not a party to the within action. My business address is 475 14th Street, Suite 500, Oakland, California.

On April 23, 2021, I served the following documents:

1. Plaintiff's Response to Defendant OUSD's Interrogatories, Set One
on the parties to this to this action, based on the parties' agreement to accept service by email transmission, by sending true copies thereof to the person(s) at the email addresses listed below:

Eugene B. Elliot
Ethan M. Lowry
Benjamin I. Oreper
BERTRAND, FOX, ELLIOT, OSMAN & WENZEL
2749 Hyde Street
San Francisco, CA 94109
eelliot@bfesf.com
elowry@bfesf.com
boreper@bfesf.com

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on April 23, 2021, at Albany, California.



Elizabeth Johnson